



NAVAL POSTGRADUATE SCHOOL

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THESIS

**THE NATIONAL NETWORK OF FUSION CENTERS:
PERCEPTION AND REALITY**

by

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December 2014

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**THE NATIONAL NETWORK OF FUSION CENTERS:
PERCEPTION AND REALITY**

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Submitted in partial fulfillment of the
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ABSTRACT

The National Network of Fusion Centers (the Network) is one of many organizational efforts the nation has undergone to help bolster its counterterrorism prevention and response efforts. Since its creation in the years following the 9/11 attacks, the Network has garnered both accolades and criticisms, resulting in an uneven opinion about fusion center functions and performance. The diverse opinions that are held of the Network appear at times to be based on perceptions incongruent with some of the realities of current Network operations and which lead to an undervaluation of its contributions.

This research examined the points of opposition between supporters and critics of the Network and identified strategies employed by the Network to mitigate areas of concern, in order to define the relationship or gap between actual performance and the perception of performance of the Network held by external (to the Network) parties. This research employed a modified version of the multi-goal policy analysis method as a guide for the conduct of analysis. This study recommends a recalibration of these perceptions.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACLU	American Civil Liberties Union
ACTIC	Arizona Counter Terrorism Information Center
AFC	Alabama Fusion Center
AZ DPS	Arizona Department of Public Safety
BJA	Bureau of Justice Assistance
CCT	consumer culture theory
CHDS	Center for Homeland Defense and Security
CIA	Central Intelligence Agency
COC	critical operating capabilities
CRS	Congressional Research Service
CVE	countering violent extremism
DHS	U. S. Department of Homeland Security
DOD	U. S. Department of Defense
DOJ	U. S. Department of Justice
EC	enabling capabilities
EM	emergency management
EMS	emergency medical services
EOC	emergency operations center
FBI	Federal Bureau of Investigation
FLETC	Federal Law Enforcement Training Centers
Global	Global Justice Information Sharing Initiative
GAO	U. S. Government Accountability Office
HIR	homeland information reporting
IC	Intelligence Community
ISE	Information Sharing Environment
I&A	DHS Office of Intelligence and Analysis
ISAAC	North Carolina Information Sharing and Analysis Center
JTTF	Joint Terrorism Task Force
LASAFE	Louisiana State Analytical and Fusion Exchange
LE	law enforcement

LEA	law enforcement agency
LEO	law enforcement officer
MCAC	Maryland Coordination and Analysis Center
MIAC	Missouri Information Analysis Center
NCTFC	North Central Texas Fusion Center
Network	National Network of Fusion Centers
NFCA	National Fusion Center Association
NJ ROIC	New Jersey Regional Operations and Intelligence Center
NMASIC	New Mexico All Source Intelligence Center
NPS	Naval Postgraduate School
NSA	National Security Agency
NSI	Nationwide Suspicious Activity Reporting Initiative
ODNI	Office of the Director of National Intelligence
OIFC	Oklahoma Information Fusion Center
OIG	Office of Inspector General
OPSEC	operations security
P/CRCL	privacy, civil rights, and civil liberties
RFI	request for information
SAIC	Strategic Analysis and Information Center
SAR	suspicious activity reports
SIAC	Statewide Information and Analysis Center
SIN	standing information needs
SLTT	state, local, tribal, and territorial
STAC	Southeastern Wisconsin Threat Analysis Center
STRATNET	National Strategy for the National Network of Fusion Centers
VFC	Virginia Fusion Center
WRTAC	Washington (D.C.) Regional Threat and Analysis Center

EXECUTIVE SUMMARY

State and major urban area fusion centers became one of the many organizational innovations to the United States' national security arsenal after the attacks on 9/11. These entities were designed to aid the nation in combating terrorism through analysis, operations, and information sharing. Many of these fusion centers have evolved over time to support broader public safety efforts in the response and recovery mission of man-made and natural threats. Fusion centers, collectively referred to as the National Network of Fusion Centers or simply the Network, have matured over the last decade, their operations have not escaped the national discourse on domestic intelligence activities. Assessments, studies, and opinions concerning the Network's functions, capabilities, responsibilities, and overall value, have resulted in positive and negative reviews, which create perceptions about the organization. This thesis aimed to identify and determine which of these perceptions were accurate and to what degree others were erroneous. The following research also attempted to identify and analyze the uneven views of the Network in order to highlight areas where the Network should consider focusing its collective efforts to increase external support and expedite the organization's maturation process.

The U.S. Department of Homeland Security (DHS) describes a fusion center as "primary focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information among federal, state, local, tribal, and territorial (SLTT) partners."¹ From a state and local government perspective, fusion centers are viewed as key assets serving as a force multiplier for all levels of government in the threat arena. These centers are seen by the federal government to be important partners that help the nation achieve long-term security by enabling the government to execute the National Security Strategy.²

1. U.S. Department of Homeland Security, "Fusion Center Fact Sheet Page," accessed May 15, 2014, <http://www.dhs.gov/national-network-fusion-centers-fact-sheet>.

2. Office of the President of the United States, *National Security Strategy* (Washington, DC: White House, 2010), http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

The fusion center network consists of 78 federally recognized fusion centers that are located in a majority of the states and United States territories.³ These centers are owned and operated by state, local, and territorial organizations. Many centers receive federal support in the form of funding, training, federal personnel, technical assistance, exercise support, technology, and other resources to enhance the organization's capabilities. The organizational structure and staffing at each center is unique due to the differing priorities that are influenced by the threat environment of that center's area of responsibility. Some of the centers have a significant number of personnel assigned to them and others are smaller task forces.

The *National Strategy for Information Sharing* highlighted fusion centers as integral players in support of homeland security and combating terrorism.⁴ From this point forward, fusion centers were seen by the federal government as the primary touch points at state and local level for receipt, dissemination, and harvesting of threat and intelligence information. The Global Justice Information Sharing Initiative (Global) in collaboration with DHS and the Bureau of Justice Assistance (BJA) developed the Baseline Capabilities for State and Major Urban Area Fusion Centers in order to establish common operating principles which all centers could build their capabilities to.⁵

In 2010, the baseline capabilities were distilled into four critical operating capabilities (COC) and four enabling capabilities (EC) intended to highlight the most crucial elements that a center needed to achieve in order to support the Network.⁶ The COCs were identified as the fusion center's ability to receive information from federal partners, to analyze threat information, to disseminate information to stakeholders, and to

3. "Fusion Center Locations and Contact Information," U.S. Department of Homeland Security, accessed June 29, 2014, <http://www.dhs.gov/fusion-center-locations-and-contact-information>.

4. Office of the President of the United States, *National Strategy for Information Sharing: Successes and Challenges In Improving Terrorism-Related Information Sharing* (Washington, DC: White House, 2007), 3 http://nsi.ncirc.gov/documents/National_Strategy_for_Information_Sharing.pdf.

5. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Baseline Capabilities for State and Major Urban Area Fusion Centers: A Supplement to the Fusion Center Guidelines* (Washington, DC: U.S. Department of Justice, 2008), <https://it.ojp.gov/gist/Files/baseline%20capabilities%20for%20state%20and%20major%20urban%20area%20fusion%20centers0.pdf>.

6. U.S. Department of Homeland Security, "Fusion Center Fact Sheet Page."

gather threat information from partners in their area of operations.⁷ The EC were defined as privacy, civil rights, and civil liberty (P/CRCL) protections, sustainment strategy, communications and outreach, and security.⁸

One of the strengths of the Network is its direct connections with a variety of entities from all levels of government and the private sector. These connections are often in the form of personnel being assigned or detailed to the center from their parent organization. The detailed individuals provide the centers with expertise from an array of disciplines that enables the centers to gain that discipline's perspectives. Fusion centers also benefit from the assignee's organizational contacts and partnerships by in effect, assuming those organizational relationships. These relationships and connections enable the fusion center network to execute its mission of sharing and gathering information.

Criticisms about the Network's value, performance, and ability to conduct its fundamental missions have been fed by perceptions often based on erroneous or dated information no longer relevant to the argument. The items which research revealed have been the most commonly identified as areas of concern related to Network are administration, analysis, information sharing, organizational mission, as well as P/CRCL.

Administration consists of fusion center oversight and governance bodies, organizational management structure, fusion center composition, as well as the Network's operating authorities and statutes. In some cases, the fusion centers have been viewed as a lawless body that lacks central oversight from opponents and potentially does not understand that each of the centers reside in different legal jurisdictions.⁹ Other claims have been made that leadership has willingly used these blurry lines of authority in order to apply only parts of the law that conform to the organization's intent.¹⁰

7. U.S. Department of Homeland Security, "Annual Fusion Center Assessment and Gap Mitigation Activities," accessed March 31, 2014, <http://www.dhs.gov/annual-fusion-center-assessment-and-gap-mitigation-activities>.

8. Ibid.

9. Mike German and Jay Stanley, *What's Wrong with Fusion Centers?* (New York: American Civil Liberties Union, 2007), https://www.aclu.org/sites/default/files/pdfs/privacy/fusioncenter_20071212.pdf, 9–10.

10. Ibid., 10.

Analysis concerns the ability of fusion centers to vet incoming tips and leads, process this raw data, and apply recently received data with other relevant information in order to make a tactical or strategic assessment of the information concerned. Analytical products generated by the Network have often been cited as being of little value or focusing on non-priority items.¹¹

The information sharing category contains elements that deal the capacity of the Network to provide information, intelligence, to partner organizations. This also includes the dissemination of requests for information (RFI) and general awareness items where the fusion center may be requesting information from partners. Common concerns raised in this area were cited as product timeliness, redundancy, and at times, lack of delivery to some jurisdictions.¹²

Mission is comprised of the overall focus of the fusion center, the priority information requirements of the entity, as well as how the fusion center views its key contributions to the national security effort. Arguments that have been voiced about the Network in this category have centered on concerns about the migration from counterterrorism focus to all-crimes and all-hazards approaches.¹³

The P/CRCL category consists of the Network's transparency and the general view of the fusion centers level of commitment to support constitutionally mandated and implied right and liberties. Many of the fears and concerns raised about the Network in

11. Brian Michael Jenkins, Andrew Liepman, and Henry H. Willis, *Identifying Enemies among Us* (Washington, DC: Rand Corporation, 2014), http://www.rand.org/content/dam/rand/pubs/conf_proceedings/CF300/CF317/RAND_CF317.pdf, 8–9, 12.

12. U.S. Senate, Permanent Subcommittee on Investigations, *Federal Support for and Involvement in State and Local Fusion Centers, Majority and Minority Staff Report* (Washington, DC: U.S. Senate, 2012), http://cdn.govexec.com/media/gbc/docs/pdfs_edit/100312cc1.pdf, 3; Jenkins, Liepman, and Willis, *Identifying Enemies among Us*, 9; Jerome P. Bjelopera, *Terrorism Information Sharing and the Nationwide Suspicious Activity Report Initiative: Background and Issues for Congress* (Washington, DC: Congressional Research Service, 2011), <http://fpc.state.gov/documents/organization/166837.pdf>, 16.

13. Robert W. Taylor and Amanda L. Russell, "The Failure of Police Fusion Centers and the Concept of a National Intelligence Sharing Plan," *Police Practice and Research: An International Journal* 13, no. 2 (2012): 186, doi: 10.1080/15614263.2011.581448.

this category have often consisted of collection of information concerning lawful citizen activity, and ambiguous reasonable suspicion definitions.¹⁴

This study determined that some elements of the above-mentioned category were based on items that have been identified by the Network. In some cases, the Network had implemented mitigation strategies and policies (as in the case of P/CRCL) or had altered operations in attempts to correct or improve operations. In other areas, criticisms were based on items beyond the control of the Network, such as the differing legal jurisdictions between state and local boundaries. (Table 1 provides an overview of perceptions of the Network.)

14. Michael Price, *National Security and Local Police* (New York: New York University School of Law, 2013), http://www.brennancenter.org/sites/default/files/publications/NationalSecurity_LocalPolice_web.pdf, 14.

Network Perception Summary			
Elements	Description	Criticisms	Analysis
Administration	The Network governance, oversight, authorities, discipline culture, and overall management factors.	The Network consists of inconsistent and decentralized management structure and lacks external oversight	Jurisdictional boundaries and lines of authority prevent a single centralized command. A majority of components have a separate oversight mechanism/committee
Analysis (Information)	One of the Network's primary business functions is to conduct thoughtful and meaningful intelligence analysis that supports stakeholder requirements.	The Network generates analytical products which are of inconsistent quality, and sometimes employ poor analytical standards. Many products are too general and of low value to the consumer.	Analytical capacity is increasing. Strategic intelligence is often not useful to tactically driven consumers. Unrealistic consumer expectations stem from lack of understanding of the intent of products.
Information Sharing	The Network's ability to inform and connect partner agencies with information to guide operations and decision making.	The Network often shares information that is redundant and not timely. At times information overwhelms the system and sometimes compartmentalizes information.	Dissemination policies are now in place to formalize the sharing process. Areas that need improvement concern customer receipt verification, evaluation of feedback, and consistent timely vetting of data.
Mission	Organizational focus of fusion centers, prioritization of competing requirements, as well as the organization's self-view of its responsibilities	The Network lacks a strategic view and has migrated from a terrorism focus to all-hazards focus which dilutes counterterrorism efforts.	An all-hazards approach encompasses terrorism and increases support from external agencies enhancing the Network's overall capabilities.
Privacy, Civil Rights, and Civil Liberties	The Network's transparency and ability to execute protections for citizen privacy, civil rights, and civil liberties	The Network lacks transparency, is a risk to individual P/CRCL, and operates on broad definitions of SAR and reasonable suspicion.	The entire Network recently attained integrated P/CRCL policies across the nation, but has struggled with turnover and completion of updated compliance reviews.

Table 1. Network Perception Summary

This study resulted in three recommendations that the National Network of Fusion Centers can consider in order to improve its public perceptions as well as aid in determining the organization's strategic direction. The Network should consider implementing a marketing strategy, creating a national strategy for the Network, and should increase its capacity to conduct strategic analysis while maintaining its ability to conduct tactical analysis.

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- Jenkins, Brian Michael, Andrew Liepman, and Henry H. Willis. *Identifying Enemies among Us*. Washington, DC: Rand Corporation, 2014. http://www.rand.org/content/dam/rand/pubs/conf_proceedings/CF300/CF317/RAND_CF317.pdf
- Office of the President of the United States. *National Security Strategy*. Washington, DC: White House, 2010. http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.
- . *National Strategy for Information Sharing: Successes and Challenges in Improving Terrorism-Related Information Sharing*. Washington, DC: White House, 2007. http://nsi.ncirc.gov/documents/National_Strategy_for_Information_Sharing.pdf.
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I. INTRODUCTION

A. PROBLEM STATEMENT

The *Final Report of the National Commission on Terrorist Attacks Upon the United States* identified many intelligence and law enforcement gaps which were exploited by a foreign terrorist organization through the 9/11 hijackers.¹ This report led to the eventual establishment of 78 state and major urban area fusion centers, collectively known as the National Network of Fusion Centers, or simply the Network.² These fusion centers were designed to function “as primary focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information among federal, state, local, tribal, and territorial (SLTT) partners.”³ From a state and local government perspective, the Network is viewed as a key asset serving as a force multiplier for all levels of government in the information sharing arena.⁴ The federal government looks at the Network as a relevant trusted partner helping the nation achieve long-term security by enabling the government to execute the *National Security Strategy*.⁵

During this maturation process requiring increases in capabilities, the Network has experienced developmental stagnation, integration challenges, programmatic growing pains, budget pressures, and changes in scope of responsibility—all of which have

1. National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York, NY: W.W. Norton & Company, 2004).

2. U.S. Department of Homeland Security, “Fusion Center Locations and Contact Information,” accessed June 29, 2014, <http://www.dhs.gov/fusion-center-locations-and-contact-information>.

3. U.S. Department of Homeland Security, “Fusion Center Fact Sheet Page,” accessed May 15, 2014, <http://www.dhs.gov/national-network-fusion-centers-fact-sheet>.

4. Charles Clark, “Defenders of Fusion Centers Hit Back at Senate Panel’s Criticisms,” Government Executive, October 9, 2012, <http://www.govexec.com/oversight/2012/10/defenders-fusion-centers-hit-back-senate-panels-criticisms/58652/>; Robert O’Harrow Jr., “Homeland Security’s Fusion Centers Defended in Response to Sharply Critical Senate Report,” *The Washington Post*, October 3, 2012, http://articles.washingtonpost.com/2012-10-03/world/35499416_1_fusion-centers-law-enforcement-intelligence-reports.

5. Office of the President of the United States, *National Security Strategy* (Washington, DC: White House, 2010), http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

unsurprisingly led to uneven performance across the Network and over time. A few examples of this are that some fusion centers have been accused of being involved with privacy violations, others have had difficulties in demonstrating analytic proficiency, and many fusion centers have been accused of mission creep. A lack of understanding of the Network's missions, priorities, and direction among stakeholders, the general public, and external decision makers may have also fed into assumptions and charges of wrongdoing.⁶ External influences, such as the Great Recession and the passage of time since an event on the scale of 9/11, have also diminished the felt need to support all of the post-9/11 terrorism initiatives to the same extent as in the past.⁷

These factors have resulted in accolades and criticisms from observers leading to the creation of a national debate on the Network's performance.⁸ The diverse opinions of the Network appear to, at times, be based on perceptions that are not congruent with the realities of current Network operations and often lead to an underestimation of its achievements and contributions. Examination of the Network's strengths and weaknesses is necessary to determine if adjustments to performance, perceptions, or both are necessary to achieve a more accurate view of the Network.

Common areas that have received a litany of contradicting comments from fusion center supporters and detractors are core to the functions of the Network and can be grouped into the categories of administration, analysis (information), information sharing, mission, and privacy. Administration concerns items involved with fusion center governance, oversight, authorities, discipline culture, and overall management factors. Analysis largely focuses on a fusion center's capacity to conduct thoughtful and

6. Mike German and Jay Stanley, *What's Wrong with Fusion Centers?* (New York, NY: American Civil Liberties Union, 2007), https://www.aclu.org/sites/default/files/pdfs/privacy/fusioncenter_20071212.pdf, 9.

7. U.S. Bureau of Labor Statistics, *The Recession of 2007–2009: BLS Spotlight on Statistics the Recession of 2007–2009* (Washington, DC: U.S. Department of Labor, 2012), <http://www.bls.gov/spotlight/2012/recession/>; Susan Hovevar, Gail Thomas, and Erik Jansen, *Building Collaborative Capacity: An Innovative Strategy for Homeland Security Preparedness* (Monterey, CA: Naval Postgraduate School, 2006), 15, 22.

8. R. Jeffrey Smith, "Senate Report Says National Intelligence Fusion Centers Have Been Useless," *Foreign Policy*, October 3, 2012, http://www.foreignpolicy.com/articles/2012/10/03/senate_report_says_national_intelligence_fusion_centers_have_been_useless?page=0,1.

meaningful intelligence analysis that supports stakeholder requirements. Information sharing consists of the ability to inform and connect partner agencies with information to guide operations and decision making. Mission refers to the organizational focus of the entity, prioritization of competing requirements, as well as the organization's self-view of its responsibilities. Privacy covers the Network's transparency and ability to execute protections for citizen privacy, civil rights, and civil liberties.

The Network represents no small investment in the defense of the homeland yet its functions, execution, and value continue to be questioned and discussed. The ongoing debate, is fueled by perceptions that may be out of proportion to reality, has plagued Network leaders and partners by creating an environment where it has been hard to accurately define or demonstrate the strengths and weaknesses of the Network. Examination of perceptions and realities measured against mitigation efforts currently in place will highlight their relationships and define areas in Network policy, which are deficient and identify emerging areas that may present future challenges to the organization.

B. BACKGROUND

1. What are Fusion Centers?

State and major urban area fusion centers are one of the newest organizational developments designed to take a collaborative approach to combating terrorism. Though they started out combatting terrorism, many of these fusion centers have evolved over time to support governmental efforts to respond react to, and recover from man-made and natural threats.⁹ The expansion of these organizations and maturation of their capabilities has created a robust information sharing network.¹⁰ This network has proven effective at bridging the divide between different levels of government as well as diverse

9. Todd Masse, Siobhan O'Neil, and John Rollins, *Fusion Centers: Issues and Options for Congress* (CRS Report No. RL34070) (Washington, DC: Congressional Research Service, 2007), <https://openocrs.com/document/RL34070/2007-07-06/>, 2.

10. Bart Johnson, "Fusion Centers: Strengthening the Nation's Homeland Security Enterprise," *The Police Chief* 78, no. 2 (2011), http://www.policchiefmagazine.org/magazine/index.cfm?fuseaction=display&article_id=2315&issue_id=22011, 62.

organizations normally separated by jurisdictional or discipline boundaries.¹¹ The Network has relied on several factors that contributed to its creation, evolution, and success.

Congress defines a fusion center as:

A collaborative effort of two or more federal, state, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal or terrorist activity.¹²

The U.S. Department of Homeland Security (DHS) describes a fusion center as “primary focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information among federal and SLTT partners.”¹³ DHS has also stated that the Network has proven effective at bridging the divide between different levels of government as well as diverse organizations normally separated by jurisdictional or discipline boundaries.¹⁴

The Network consists of seventy-eight federally recognized fusion centers which have locations in a majority of the United States and territories.¹⁵ (Figure 1 highlights the locations of the fusion centers that collectively make up the Network.) These centers are owned and operated by state, local, and territorial organizations. Many centers receive federal support in the form of funding, training, federal personnel, technical assistance, exercise support, technology, and other resources to enhance the organization’s capabilities.¹⁶ The specific organizational structure and staffing at each center is unique due to differing priorities that are influenced by the threat environment of that center’s

11. U.S. Department of Homeland Security, “Fusion Center Success Stories,” accessed March 15, 2014, http://ip6.dhs.gov/files/programs/gc_1296488620700.shtm#2

12. Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110–53, § 511, 121 Stat. 317, 318–324 (2007), <http://www.gpo.gov/fdsys/pkg/PLAW-110publ53/pdf/PLAW-110publ53.pdf>.

13. Department of Homeland Security, “Fusion Center Fact Sheet Page.”

14. Department of Homeland Security, “Fusion Center Success Stories.”

15. Department of Homeland Security, “Fusion Center Locations and Contact Information.”

16. *Fiscal Year 2013 FEMA Budget Request, Statement to Subcommittee on Homeland Security Committee on Appropriations U.S. House of Representatives* (2012) (statement by W. Ross Ashley III, Executive Director, National Fusion Center Association), 1–8, <http://appropriations.house.gov/uploadedfiles/hhrg-112-ap15-rashley-20120307.pdf>.

area of responsibility. Some of the centers have a significant number of personnel assigned to them while others are small task force-like units.

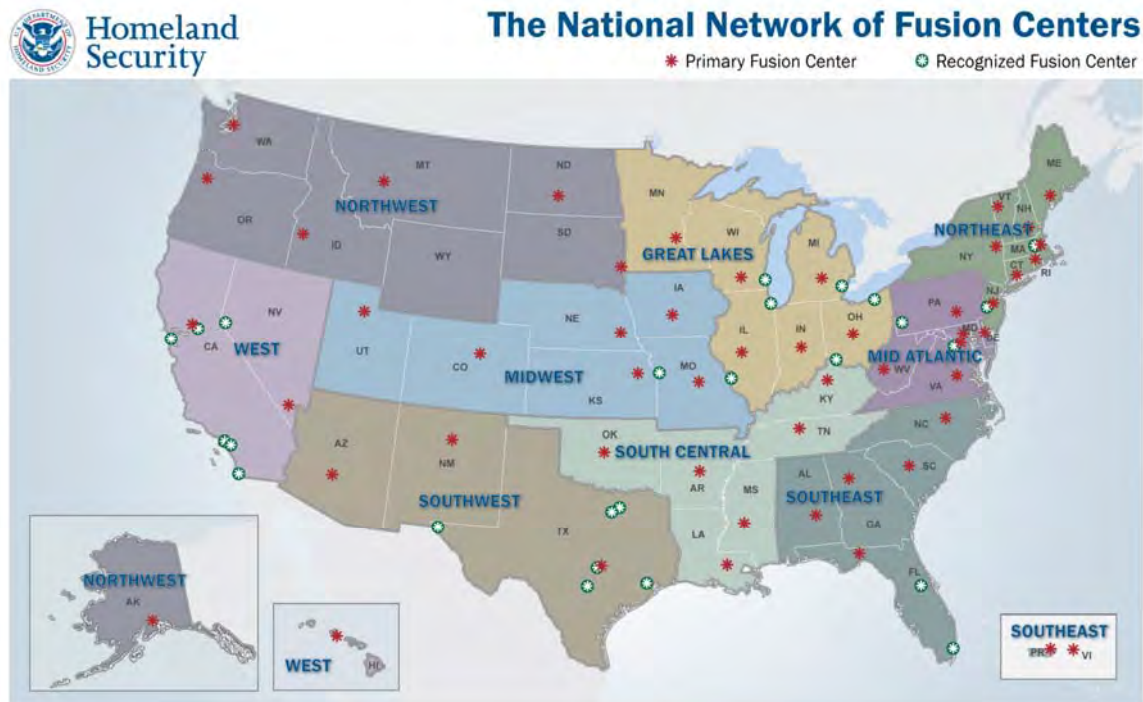


Figure 1. Map of the National Network of Fusion Centers¹⁷

Fusion centers provide direct connections with a variety of entities from all levels of government.¹⁸ These connections are often in the form of personnel being assigned or detailed to the center from their parent organization. The detailed individuals provide the centers with expertise from an array of disciplines that enables the centers to gain that discipline's perspectives.¹⁹ Fusion centers also benefit from the assignee's organizational contacts and partnerships by, in effect, assuming those organizational relationships.

17. Department of Homeland Security, *Map of the National Network of Fusion Centers* (Washington, DC: U.S. Department of Homeland Security, 2013).

18. *Fiscal Year 2013 FEMA Budget Request*, 1.

19. Walter Smith, "Developing a Model Fusion Center to Enhance Information Sharing" (master's thesis, Naval Postgraduate School, 2011), 3.

These relationships and connections enable the fusion center network to execute its mission of sharing and gathering information.

2. Factors That Have Contributed to the Network's Development

Several factors have contributed to the establishment and maturation of the Network. Previous terrorist attacks against the homeland were the impetus that demonstrated the need to collaborate with others.²⁰ Unified efforts by partner organizations to define structure, roles, shared mission space, and guiding principles, are some items which have aided in the Network's development process.²¹ Lastly, the Network's progress has relied on the development and use of trusted partnerships which act as the mortar to the bricks of the Network.²²

a. Shared Priorities

While the United States has suffered from its share of attacks such as the 1993 attack against the World Trade Center and the Oklahoma City bombing, federal government policy has focused more on conventional threats.²³ The attacks against the U.S. on 9/11 brought the subject of terrorism to the forefront of the national security agenda.²⁴ Analysis of the events on 9/11 revealed a breakdown in information sharing

20. Charles Perrow, "The Disaster after 9/11: The Department of Homeland Security and the Intelligence Reorganization," *Homeland Security Affairs* 2, no. 1 (2006): 4–5, <http://www.hsaj.org/?fullarticle=2.1.3>

21. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Fusion Center Guidelines: Developing and Sharing Information and Intelligence in a New Era* (Washington, DC: U.S. Department of Justice, 2006), http://it.ojp.gov/documents/fusion_center_guidelines_law_enforcement.pdf, 1–2.

22. Thomas Soucek, "Fusion Centers and Public-Private Collaboration," *Information Sharing Environment Blog*, July 8, 2011, <http://ise.gov/blog/major-thomas-soucek/fusion-centers-and-public-private-collaboration>.

23. "First Strike: Global Terror in America," Federal Bureau of Investigation, accessed March 12, 2014, http://www.fbi.gov/news/stories/2008/february/tradebom_022608; "Terror Hits Home: The Oklahoma City Bombing," The Federal Bureau of Investigation, accessed March 12, 2014, <http://www.fbi.gov/about-us/history/famous-cases/oklahoma-city-bombing>; "Counter Terrorism: Rice V. Clarke," *The Patriot Post*, accessed March 14, 2014, <http://patriotpost.us/pages/176>; "Bush Ignored Terrorism before 9/11," Rense.com, March 25, 2004, <http://rense.com/general50/bushr.htm>.

24. "9/11 Attacks," History.com, accessed March 14, 2014, <http://www.history.com/topics/9-11-attacks>; Office of the President of the United States, *The National Security Strategy of the United States of America* (Washington, DC: White House, 2002), <http://georgewbush-whitehouse.archives.gov/nsc/nss/2002/>.

across all levels of government, which lead to a collective focus on looking at ways to get accurate information to the right individuals.²⁵

One proposal, originating at the state and local law enforcement level, was the development of fusion centers. Many disciplines executed and participated in models that attempted to bring individuals together from different organizations prior to this with success. Law enforcement had participated in task forces which focused on specific topics since at least the 1970 for items such as counternarcotics operations.²⁶ These organizations were generally less robust, viewed as temporary operations, or seen as entities that could surge on a specific issue. In spite of successes, most task forces would never be viewed prior to 9/11 as permanent solutions to focus on an entire discipline due to funding constraints, fear of information being compromised by another agency, and even mission competition between agencies.²⁷

Post-9/11, those concerns were secondary; organizations understood the threat and realized that they would not be able to accomplish their security missions without assistance from partner organizations. Different organizations at that time had developed a felt need to collaborate with others in order to find success.²⁸ If task force collaboration worked to achieve success for individual issues in the past, the emerging view was that permanent organizational task forces or fusion centers would be a potential solution in the effort to secure the homeland.

The concern to prevent another 9/11 at state and local government levels provided the motivation for organizations to commit to long-term support of fusion centers. The federal government's shared concern was demonstrated in federal resource investments in

25. National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, 71–107.

26. “DEA Programs: State and Local Task Forces,” Drug Enforcement Administration, accessed March 12, 2014, <http://www.justice.gov/dea/ops/taskforces.shtml>.

27. Laura Sullivan, “Tradition of Secrecy, Turf Wars Hinders Intelligence Agencies,” *The Baltimore Sun*, October 13, 2001, http://articles.baltimoresun.com/2001-10-13/news/0110130276_1_databases-lists-of-people-enforcement-agencies; Vincent Henry, *The COMPSTAT Paradigm: Management and Accountability in Policing Business and the Public Sector* (Flushing, NY: Looseleaf Law Productions Inc. 2003), http://www.unafei.or.jp/english/pdf/RS_No68/No68_12VE_Henry2.pdf, 309.

28. Hocevar, Thomas, and Jansen, *Building Collaborative Capacity*, 15, 22.

the form of grants, equipment, and personnel.²⁹ The bottom line is that an event like 9/11 was a necessary catalyst that caused terrorism to become priority, funding to be released to prevent future attacks, and agencies to recognize that collaboration was a key to counterterrorism success.

b. Collaboration Structures

Another factor that has contributed to the success of the Network is the formulation of what Hovevar, Jansen, and Thomas describe as collaboration structures.³⁰ Sustainment of the fusion center network required the development of a framework that all partnering agencies could collectively support. To accomplish this, each organization had to feel that it was being heard, its needs were being met, and that it was moving in a direction that each viewed as advantageous to its individual missions.

The 2007 *National Strategy for Information Sharing* highlighted fusion centers as integral stakeholders in support of homeland security and combating terrorism.³¹ From this point forward, fusion centers were increasingly seen by the federal government as one of the primary organizations at state and local levels for receipt, dissemination, and harvesting of threat and intelligence information. This increased engagement between the federal government and the fusion centers.

The development of the network structure was backed by policy created by a joint committee consisting of representatives from state, local, and federal levels of government. The Global Justice Information Sharing Initiative (Global), in collaboration with DHS and the Bureau of Justice Assistance (BJA), developed the documents *Fusion Center Guidelines* and *Baseline Capabilities for State and Major Urban Area Fusion Centers* in order to establish common operating principles that all centers could build

29. U.S. Department of Homeland Security, "Fusion Center Fact Sheet Page."

30. Susan Page Hovevar, Erik Jansen, and Gail Fann Thomas, "Inter-Organizational Collaboration: Addressing the Challenge," *The 9/11 Essays, Homeland Security Affairs* 7 (2011, September), <http://hdl.handle.net/10945/37884>, 3.

31. White House, *National Strategy for Information Sharing*, 3, 8, 14, and 20.

their capabilities upon.³² These capabilities have become the evaluating criteria on which the annual fusion center assessments have been based since the first assessments were conducted in 2010.³³ These guidelines and baseline capabilities were accepted as the blueprint for moving the Network to levels of greater success.

This framework highlighted core capabilities that would, in essence, enable individual fusion centers to work more efficiently with each other. It also formally integrated this new network into the national domestic efforts. These shared operating principles enabled the above to be accomplished in a way that remained flexible to individual fusion centers accounting for unique local or state focus areas. The development of collaboration structures provided stakeholders with a broad view of organizational structure, understanding of the needed capabilities, agreement on performance measurements, and a clearer picture of operational expectations.

c. Partnerships

Shared priorities and emphasis on the creation of collaborative structures aided in the establishment of the Network, but the development of partnerships inside individual fusion centers and between fusion centers ensures the continued success of the Network. As mentioned above, fusion centers consist of a variety of personnel from a number of different organizations and disciplines.³⁴ It is the individuals participating in the fusion centers and the fusion centers themselves that form the Network and enables it to provide strategic value to national security.

32. The U.S. Department of Justice's Global Justice Information Sharing Initiative (Global) serves as a Federal Advisory Committee to the U.S. Attorney General on critical justice information sharing initiatives. Global promotes standards-based electronic information exchange to provide justice and public safety communities with timely, accurate, complete, and accessible information in a secure and trusted environment. Global is administered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Global Justice Information Sharing Initiative, U.S. Department of Homeland Security, and Department of Justice, *Fusion Center Guidelines*; Global Justice Information Sharing Initiative, U.S. Department of Homeland Security, and Bureau of Justice Assistance, *Baseline Capabilities* (Washington, DC: Global Justice Information Sharing Initiative).

33. "2010 Baseline Capabilities Assessment of Fusion Centers and Critical Operational Capabilities Gap Mitigation Strategy," U.S. Department of Homeland Security, accessed March 19, 2014, <http://www.dhs.gov/2010-baseline-capabilities-assessment-fusion-centers-and-critical-operational-capabilities-gap>.

34. Smith, "Developing a Model Fusion Center," 3.

Some of these organizations brought historical jurisdictional turf war issues to the table, such as the famous conflicts between the New York Police Department and New York Fire Department.³⁵ Differing discipline-specific approaches to similar problems were also challenges. Butler et al. highlight an example of this when describing public health and law enforcement's different approaches to investigating bioterrorism investigations.³⁶ Many of these conflicts stemmed from competitions for funding, misunderstanding of external agency responsibilities, discipline specific approaches, and arguments over mission space.

In their article titled "Inter-Organizational Collaboration: Addressing the Challenge," Hocevar, Jansen, and Thomas mention that one element of collaborative success is social capital.³⁷ This is demonstrated in the partnerships that over time have bolstered trust between individuals and agencies resulting in collaboration as the output. The shared strategic vision of the individuals and fusion centers supported by a framework that defines expectations were enabling elements in the forming of these partnerships.

Joint training, planning, analysis, and investigation at fusion center level has aided in the development of the required professional and social relationships.³⁸ These joint endeavors have bred the beliefs between Network partners that the individuals and centers have a level of competency, integrity, concern for the Network, and reliability which are necessary to building trust according to Mishra. This trust has lead to successful outcomes such as the arrest of a murder suspect in Virginia after collaboration

35. Sarah Wallace, "Critics Say NYPD, FDNY Conflicts Still a Problem," Firehouse, May 20, 2004, <http://www.firehouse.com/news/10519102/critics-say-nypd-fdny-conflicts-still-a-problem>.

36. Jay Butler et al., "Collaboration between Public Health and Law Enforcement Paradigms and Partnerships for Bioterrorism Planning and Response," *Emerging Infectious Diseases* 8, no. 10 (2002): 1153, http://origin.glb.cdc.gov/phlp/docs/forensic_epidemiology/Additional%20Materials/Articles/Butler%20et%20al.pdf.

37. Hocevar, Jansen, and Thomas, "Inter-Organizational Collaboration," 3.

38. Federal Emergency Management Agency, "Terrorism Prevention Exercise Program," accessed March 14, 2013, <http://www.it.ojp.gov/docdownloader.aspx?ddid=1374>; U.S. Department of Homeland Security, *U.S. Department of Homeland Security Interaction with State and Local Fusion Centers Concept of Operations* (Washington, DC: U.S. Department of Homeland Security, 2008), <http://www.fas.org/irp/agency/dhs/conops.pdf>, 17.

between the Georgia Information Sharing & Analysis Center and the Virginia Fusion Center (VFC).³⁹

The Network consists of an arrangement of fusion centers which support receipt, dissemination, analysis, and collection of information concerning homeland security. This grouping of separate organizations is based on a network model which is guided by the collective thought that a network should be greater than the sum of its parts. The key elements that enhanced the development of the Network are shared priorities, establishment of a collaborative structure, as well as the development of trusted relationships. If any of these factors were absent, the Network may not have been able to achieve the structural integrity that is present today.

d. Overview of Areas of Inconsistent Perceptions

The Network has suffered from uneven perceptions which have led to a space that creates confusion about its operations. This confusion may contribute to inaccuracies that could taint the discourse concerning domestic intelligence activities and the specific performance of fusion centers. The areas which are most commonly examined and criticized are related to Network administration, analysis, information sharing, mission, as well as individual privacy, civil rights, and civil liberties (P/CRCL).

C. RESEARCH QUESTIONS

Research on the policy, functions, and operations of the Network identified the relationships between the actual performance and the perception of performance of the Network held by external (to the Network) parties. This study determined that recalibrations of these perceptions are required in order to provide a more accurate view of the Network.

39. U.S. Department of Homeland Security, "Fusion Center Success Stories."

1. Primary Research Question

The primary research question attempted to explain:

- How does the Network's actual strengths and weaknesses correlate with external (non-network) party perceptions of these?

2. Supporting Research Questions

In order to address the primary research question, this research intended to resolve several supporting questions:

- What are the current strengths and weaknesses of the Network?
- To what extent are those strengths and weaknesses accurately perceived or understood among stakeholders?
- What are the consequences of any misalignment between the real and the perceived views of the Network's strengths and weaknesses?

D. RESEARCH DESIGN

1. Object of Study

This research attempted to examine the points of misalignment between supporters and critics of the Network and identify strategies employed by the fusion centers to mitigate areas of concern in order to define the relationship between actual performance and the perception of performance of the Network held by external (to the Network) parties. While examples of policy and practice from individual fusion centers were reviewed and referenced to illuminate specific criteria, the focal point for this project's findings and angle of inquiry focus on Network-level results and outcomes. This study sought to determine if a recalibration of these perceptions are required in order to provide a more accurate view of the Network.

2. Selection Criteria

Analysis of policies, practices, and criticisms centered on those items directed at federally recognized fusion centers which collectively make up the Network.⁴⁰ This

40. U.S. Department of Homeland Security, "Fusion Center Locations and Contact Information."

sample selection consists of seventy-eight different fusion centers which operate independently, but are linked by strategic policy, broad operational objectives, and overarching mission. These fusion centers have met the Information Sharing Guidance Federal Resource Allocation Criteria which requires each center to adhere to certain designation, oversight, certification, implementation, and capability requirements in order to obtain federal recognition.⁴¹

3. Study Limitations

- This inquiry sought data addressing the seventy-eight federally recognized fusion centers.⁴² Information which addresses similar organizations which are not formerly identified as an element of the Network such as federal coordinating bodies, emergency operations center, intelligence operational units, and the like, were not factored into the dataset unless it could be reasonably determined to have direct relevance to the Network.
- Findings of research were limited to the identification of gaps, challenges, and potential opportunities for continued advancement that applies to the collective network. Items uncovered and identified as isolated or associated with specific fusion centers were not considered for analysis unless it is was deemed of significant value for the Network writ large.
- Topical areas of comparison and analysis were grouped into the following categories: administration, analysis, information sharing, mission, and privacy.
- Data collected and reviewed originated from published books, open source information, studies, published surveys, and organizational reports in which many focused on the performance and background of Network. No current data is available that focuses on the differences in perceptions about the Network or individual fusion centers. Individual or group surveys executed by this author focusing specifically on perceptions of the Network were not conducted as a mechanism for data collection.
- Research findings concerning the causal relationships between perceptions and the Network are bound due to lack of empirical data on the specific subject. Research lacked study designed to control for, normalize, and otherwise manipulate all of the potential variables that contribute or impact perception.

41. Kshemendra N. Paul, *Information Sharing Guidance Federal Resource Allocation Criteria* (ISE-G-112) (Washington, DC: Information Sharing Environment, 2011), https://www.ise.gov/sites/default/files/RAC_final.pdf, 1–4.

42. U.S. Department of Homeland Security, “Fusion Center Locations and Contact Information.”

4. Instrumentation

Sources of data to support this inquiry and analysis consist of primary and secondary sources of published literature. Primary sources refer to documents which are generally created from direct data collection and analysis such as policy generation workgroups, surveys, or original research studies conducted by the authoring body. Secondary sources often use third party data derived from primary documents in order to inform its findings and analysis. The data is further divided into the topical categories of framework/guidelines, review/assessments/critiques, supplementary-marketing/branding and supplementary-Network

The first category of literature focuses on guidelines, governing documents and policy relating to fusion centers, as well as organizations involved in enforcing law and conducting intelligence activities. The reporting includes documents produced by federal, state, and local governmental organizations and collaborative initiatives representing efforts to provide strategic guidance to aid in the development and operation of a fusion center.

The next category of literature consists of works by a variety of governmental and private organizations some of which provide oversight and governance over the Network. These works consist of reports, assessments, official and unofficial critiques of the function, process, and areas needing improvement concerning fusion center operations.

The third category of literature was produced by industry and academia and focuses on marketing and branding principles. While this grouping of documentation concentrates on strategic communications employed by business and government programs and products, none of the content directly spotlights techniques used by the Network.

The last grouping of literature reviewed consists of items from authors and organizations representing a variety of backgrounds and disciplines. Some of the documents represent official governmental reports, others consist of findings from academic research, and others may represent findings from non-governmental organizations.

5. Steps of Analysis

This research employed a modified version of the multi-goal policy analysis method as a guide for the conduct of analysis.⁴³

- **Collection of data:** Documents, reports, policy, and guidance that focus on Network-level activities were sought and applied to individual fusion center data when applicable to demonstrate examples of items that can be extrapolated across the Network.
- **Selection of problem set criteria:** Collected data depicting positive and negative aspects of Network operations were divided into categories of strengths and weaknesses. These items were further analyzed to identify which positive and negative attributes were repeatedly presented or appeared to have been reported over time. These elements were then categorized into the following groups: administration, analysis, information sharing, mission, and privacy.
- **Analyze criticisms to determine root-cause:** Negative attributes were next analyzed to determine origin of complaints.
- **Evaluate and compare data to identify gaps:** Information placed in the criticizing groups was then cross-referenced to determine if any of the elements had any mitigation efforts applied to them by the Network. Items identified which had little or no mitigation efforts applied to them were then identified as gap areas.
- **Evaluate gaps to determine potential mitigation strategies:** These identified gaps were analyzed in order to determine if existing strategies elsewhere could provide potential solutions to neutralize these gaps.
- **Predict challenges of implementation of strategies:** Where corrective actions were determined as potential solutions, analysis to identify challenges and further research to highlight best practices was listed.
- **Identify potential areas to reinforce success:** Items not identified as gaps, but which offered points that articulate positive Network attributes were highlighted.

43. Eugene Bardach, *A Practical Guide for Policy Analysis: The Eightfold Path to More Effective Problem Solving*, 4th ed. (Washington, DC: CQ Press, 2012); Carl V. Patton and David S. Sawicki, *Basic Methods of Policy Analysis and Planning*, 2nd ed. (Englewood Cliffs, NJ, Prentice Hall, 1993), 52–65; David L. Weimer and Aidan R. Vining, *Policy Analysis: Concepts and Practice*, 4th ed. (Upper Saddle River, NJ, Prentice Hall, 2005).

6. Intended Output

Examination of the factors which have contributed to the uneven support for the Network will result in a better understanding of the policy and operational concerns faced by the organization. This research highlights the relationship between the Network's operations and the perception of its performance. Results of this study point to current and future challenges confronting the Network and offer recommendations of action which may increase program efficiency and facilitate organizational support. These recommendations are intended to help the Network pinpoint areas of future priorities which if implemented will address current criticisms, possibly reverse negative perceptions, and allow the organization to avoid repetition of previous missteps.

E. SIGNIFICANCE TO THE FIELD

SLTT fusion centers have existed for over ten years at the time of this publication. During this time frame the Network has experienced significant changes and development challenges. Since the early 2000s the nation has gone from a zero tolerance (for terrorism) stance to a place where the Boston Bombing barely lasted a month in the public's consciousness. Intelligence and public safety services went from a time when budgets were growing exponentially to the post-recession era of austerity.

As this pendulum moved from one side to the other, perceptions and attitudes about the relevancy of the Network began to change as well. While changing opinions is a normal occurrence in government and life in general, some criticisms about the Network's operations appear to have been brought up in reporting and testimony through the years due to recycled or circular reporting. In areas where mitigation has been employed or where gaps have been filled by training or initiative development there is some evidence that these may not be factored into the current performance of the Network. All of these factors have contributed to a diverse set of opinions about the performance and relevancy of the Network writ large.

Examination of these criticisms compared to mitigation plans is necessary to provide a current and more accurate view of the status of the Network. Due largely to the

current budget crisis, over the next few years many programs and initiatives will most likely not survive the significant downward change in funding. Study into the elements that have contributed into this uneven assessment of the Network would help determine the current status of the Network. This research will also identify future challenges that fusion centers will have to overcome in order to survive. This study will contribute to the growing body of reporting on fusion centers and is necessary to aid in assessing if perceptions about the Network need to be recalibrated.

F. CHAPTER OVERVIEW

Chapter I lays out the foundations for this study. This section highlights the problem set and provides a background on the establishment and operations of the Network. This chapter also attempts to provide an overview of this study's research parameters as well as identify the significance of this research.

The next chapter provides an overview of the body of literature works reviewed during the research process. This section also categorizes and assesses the potential value of the literature.

Chapter III examines the administration and governance structure for entities in the Network. Administration concerns items involved with fusion center governance, oversight, authorities, discipline culture, and overall management factors. Common concerns about fusion center administration will be identified and listed. This section will conclude with items that were discovered in research that either supports or refutes the original areas of concern.

Chapter IV reviews the elements that consist of intelligence analysis activities. Analysis largely focuses on a fusion center's capacity to conduct thoughtful and meaningful intelligence analysis that supports stakeholder requirements. Like in chapter three, weaknesses that have been voiced by third party entities will be captured and listed.

Information sharing activities will be examined in Chapter V. The section on information sharing focuses on the ability to inform and connect partner agencies with information to guide operations and decision making. A review of the Network criticisms

in this realm will be examined against fusion center successes to help determine the current status of the Network.

In Chapter VI the Network and individual fusion center mission will be the focus of review. Mission refers to the organizational focus of the entity, prioritization of competing requirements, as well as the organization's self-view of its responsibilities. This chapter will attempt to determine if broader missions or specified missions are beneficial to the Network's ability to execute its responsibilities.

Chapter VII will address privacy, civil rights, and civil liberty (P/CRCL) issues surrounding the Network. Privacy covers the Network's transparency and ability to execute protections for citizen privacy, civil rights, and civil liberties. Examples of successes and failures of P/CRCL protections will be examined to better assess the Network's capability.

The final two chapters will present the findings of the research. Strategic recommendations are highlighted in chapter eight which address the mitigation factors and analysis which are presented in chapters three through seven. Future challenges and areas for that would benefit from further inquiry will be documented as well. Final conclusions and summaries of findings will also be highlighted in the final chapter.

II. LITERATURE REVIEW

Much of the existing literature and research concerning fusion centers has focused on the background, guidance, and recommendations for the improvement of the Network. The body of literature is represented by works from official government inquiries, non-profit organization assessments, media reviews, scholarly research, as well as independent analysis. The body of reporting appears to lack any specific research into how perception of the structure has been positively or negatively affected if one was to apply marketing and branding techniques. Literature concerning marketing practices and campaigns executed by private and public industry was reviewed in an attempt to identify principles which could be applied in support of the Network.

For the purposes of organization, the literature is divided into four categories; framework/guidelines, review/assessments/critiques, supplementary-marketing/branding and supplementary-Network.

A. LITERATURE: FRAMEWORK/GUIDELINES

The first category of literature focuses on guidelines, governing documents and policy relating to fusion centers, as well as organizations involved in enforcing law and conducting intelligence activities. The reporting includes documents produced by federal, state and local governmental organizations and collaborative initiatives representing efforts to provide strategic guidance to aid in the development and operation of a fusion center. This grouping of literature ensures there is a sound strategic template for the creation, operation, governance structure and road map for maturation for fusion centers.

The primary authors of many of these source documents are the Global Justice Information Sharing Initiative (Global), the U.S. Department of Homeland Security (DHS), and the U.S. Department of Justice (DOJ). Global is a federal advisory committee consisting of representatives from various state and local law enforcement organizations which supports and advises the U.S. Attorney General on information sharing related

initiatives.⁴⁴ Each of these entities has a vested interest in the successful development and operation of the Network. DHS and DOJ both have statutory mandates to facilitate information sharing between all levels of government.

Global serves as an advisory committee to DOJ; this organization claims credibility due to its composition consisting of state and local membership from various disciplines. The Network is viewed by many federal, state, local, tribal, and territorial organizations as one mechanism which can help address the critical requirement of the sharing of threat information. These documents center on the establishment of organizational framework and recommendations from subject matter experts generally involved in the operation of the Network or from organizations positioned as stakeholders of the Network. While value propositions are detailed in some of the literature in this category, no products in this category attempt to either assess the effectiveness or purport successes or failures of fusion centers. The proposals in this documentation appear to be based on perceived customer need and subject experience, as well as legal requirements, and less on performance analysis.

One of the two founding documents for the Network co-authored by Global, DHS, and DOJ is titled “Fusion Center Guidelines: Developing and Sharing Information and Intelligence in a New Era.”⁴⁵ This document identifies a set of operating guidelines to assist in the development of fusion centers in a consistent manner which would aid in coordination efforts and collaboration and capabilities for the Network. These guidelines highlight the need for the creation of policies, procedures, goals, structure, training, and partner agreements, as well as identify these components as key elements to organizational success.⁴⁶

In 2008 Global, DHS, and DOJ produced another key document titled *Baseline Capabilities for State and Major Urban Fusion Centers: A Supplement to the Fusion*

44. “Global Justice Information Sharing Initiative (Global),” U.S. Department of Justice, Office of Justice Programs, accessed October 25, 2013, <https://it.ojp.gov/default.aspx?area=globalJustice&page=1019>.

45. Global Justice Information Sharing Initiative, U.S. Department of Homeland Security, and Department of Justice, *Fusion Center Guidelines*.

46. Ibid.

Center Guidelines in order to identify the minimum elements required to successfully execute the roles and responsibilities of a fusion center.⁴⁷ This supplement lays out the necessary capabilities and identifies the standards required for their achievement. The document attempts to formulate a blueprint which would enhance consistency across the Network.⁴⁸ These minimum standards were subsequently applied to formulate critical operating and enabling capabilities used as assessment criteria to assess individual fusion center and Network progress.⁴⁹

Both of the above-mentioned documents represent necessary components identified by federal, state and local agencies involved with the fusion center process. While the capabilities and criteria highlighted are recommendations and not mandates, they are currently viewed by the Network and supporting agencies as the essential requirements that all fusion centers should build to. Because of the shared recognition from stakeholders that the guidelines and capabilities represent the requisite skill sets, business processes, and policies each unit of the Network must obtain, these are generally viewed as fundamental documents for fusion centers.

Other literature in the category also produced by Global, DHS, and DOJ, largely focuses on specific process development concerning subcomponents of the Guidelines and Baseline Capability documents. Many of these items discuss the integration of additional resources and disciplines into operations. Developing an analytic capability to enhance critical infrastructure and key resource security is defined as relevant to fusion center responsibilities.⁵⁰ Guidance for incorporating the Fire Service discipline is

47. Global Justice Information Sharing Initiative, U.S. Department of Homeland Security, Bureau of Justice Assistance, *Baseline Capabilities*.

48. Ibid.

49. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers: Final Report* (Washington, DC: U.S. Department of Homeland Security, 2013), <http://www.dhs.gov/sites/default/files/publications/2012%20National%20Network%20of%20Fusion%20Centers%20Final%20Report.pdf>; U.S. Department of Homeland Security, *2013 National Network of Fusion Centers: Final Report* (Washington, DC: U.S. Department of Homeland Security, 2014), <http://www.sheriffs.org/sites/default/files/uploads/2013%20National%20Network%20of%20Fusion%20Centers%20Final%20Report.pdf>.

50. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Critical Infrastructure and Key Resources (CIKR): Protection Capabilities for Fusion Centers* (Washington, DC: U.S. Department of Justice, 2008), <https://it.ojp.gov/gist/92/Critical-Infrastructure-and-Key-Resources--Protection-Capabilities-for-Fusion-Centers>.

identified as an enhancement to operations.⁵¹ Documentation defining business processes for fusion center technology attempts to help these centers develop a business architecture which would help in identifying organizational needs.⁵² Additional literature focuses on guidance for integration of technology into the business capabilities of a fusion center.⁵³ This body of literature provides additional detailed recommendations and considerations which, where applied, enhance fusion center operations, and provides supplemental data and templates to aid in the execution of these processes.

Establishment of sound procedures and policies for the protections of civil liberties, civil rights, and privacy have been expressed as a need by both public and governmental organizations alike. These principles have been viewed as especially critical for any organization involved in information sharing, data storing, law enforcement operations, and intelligence activities. Global, DHS and DOJ have issued documents concerning this critical component of operations. *The Fusion Center Privacy Policy Development* guide addresses the first step of this process by providing content that aids fusion centers in the development of a privacy policy.⁵⁴ This document highlights the components of a complete policy that covers items such as data minimization, merging of records, oversight, appeals processes, and information security as well as other topics relevant for consideration in this realm.⁵⁵ A supplement produced by the same authors aids members of the Network in confirming their compliance and

51. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Fire Service Integration for Fusion Centers* (Washington, DC: U.S. Department of Justice, 2010), <https://it.ojp.gov/gist/93/Fire-Service-Integration-for-Fusion-Centers>.

52. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Defining Fusion Center Technology Business Processes: A Tool for Planning* (Washington, DC: U.S. Department of Justice, 2009), <https://it.ojp.gov/gist/96/Defining-Fusion-Center-Technology-Business-Process--A-Tool-for-Planning>.

53. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Fusion Center Technology Resources Road Map: Elements of an Enterprise Architecture for State and Major Urban Area Fusion Centers* (Washington, DC: U.S. Department of Justice, 2009), it.ojp.gov/docdownloader.aspx?ddid=1083.

54. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Fusion Center Privacy Policy Development: Privacy, Civil Rights, and Civil Liberties Policy Template* (Washington, DC: U.S. Department of Justice, 2010), <https://it.ojp.gov/gist/48/Fusion-Center-Privacy-Policy-Development--Privacy--Civil-Rights--and-Civil-Liberties-Policy-Template>.

55. Ibid.

verification of policies and procedures for the protection of privacy, civil rights, and civil liberties.⁵⁶

Literature discussing the process of developing an analytic capability in an organization is also very relevant to the Network. Global and DOJ have provided guidance identifying minimum training standards for organizations involved in criminal justice.⁵⁷ This document attempts to frame the knowledge, skills, and abilities needed for an organization to establish and grow a cadre of personnel involved in intelligence activities from analyst level through executive level.⁵⁸ In *Common Competencies for State, Local, and Tribal Intelligence Analysts* the authors attempt to build upon the previous document and link analyst competencies with fusion center operations.⁵⁹ This document is significant to fusion centers due to its attempts to define analytical standards across the Network.⁶⁰ Another document produced by Global in conjunction with the International Association of Law Enforcement Intelligence Analysts in response to the *National Criminal Intelligence Sharing Plan* provided recommendations to codify an analyst's role in organizations involved in law enforcement and intelligence operations.⁶¹ These documents provide a foundational framework identified by subject matter experts represented from various organizations with analysis responsibilities.

56. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Privacy, Civil Rights, and Civil Liberties Compliance Verification for the Intelligence Enterprise* (Washington, DC: U.S. Department of Justice, 2010). it.ojp.gov/docdownloader.aspx?ddid=1285.

57. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Minimum Criminal Intelligence Training Standards for Law Enforcement and Other Criminal Justice Agencies in the United States* (Washington, DC: U.S. Department of Justice, 2007), it.ojp.gov/docdownloader.aspx?ddid=1152.

58. Ibid.

59. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Common Competencies for State, Local, and Tribal Intelligence Analysts* (Washington, DC: U.S. Department of Justice, 2010), it.ojp.gov/docdownloader.aspx?ddid=1296.

60. Ibid.

61. Global Justice Information Sharing Initiative, *National Criminal Intelligence Sharing Plan* (Washington, DC: U.S. Department of Justice, 2003), https://it.ojp.gov/documents/National_Criminal_Intelligence_Sharing_Plan.pdf; Global Justice Information Sharing Initiative and the International Association of Law Enforcement Intelligence Analysts, Inc., *Law Enforcement Analytic Standards*, 2nd ed. (Washington, DC: U.S. Department of Justice, 2012), <https://it.ojp.gov/docdownloader.aspx?ddid=1151>.

This first category of literature establishes the organizational expectations, roles, and responsibilities, and underscores areas fusion centers should consider as part of their expansion plans when developing strategic projections. This category provides guidance intended to enhance operational capabilities of a fusion center. These documents represent the collective guidance from subject matter experts at different levels of the government involved in all aspects of the fusion center mission.

B. LITERATURE: REVIEW/ASSESSMENTS/CRITIQUES

The next category of literature was produced by a variety of governmental and private organizations some of which provide oversight and governance over the Network. These works consist of reports, assessments, official, and unofficial critiques of fusion center functions. They also analyze fusion center processes and identify areas needing. Some of the individual reporting in this category is based on interviews of small samples of fusion centers making it difficult to provide a generalization of the Network from one or a limited number of documents. Across the body of reporting many of the major findings and areas of concern are similar, and come from originating agencies such as the Congressional Research Service (CRS) and the U.S. Government Accountability Office (GAO), with a history of reporting in a fair and balanced manner increasing the validity of findings.

Multiple documents from the same agencies and new organizations add to and update previous reports listing new concerns, as well as those already existing. Many of the updates cite where improvements have been made, but at times these improvements appear to be undervalued in the literature. Some of the documents in this category used references of source materials from components in this and the first category of literature coupled with original data. Report findings in this category could be subject to circular reporting and in some cases agency biases, but broader topical findings at times are similar and supportive of other agency findings which increases the confidence in many of the defined high level concerns.

The CRS has produced a litany of reports focusing on fusion centers. Some address federal support to, others outlining issues and concerns of, and others defining

the Network tie into federal initiatives. A report issued in 2007 and an updated report in 2008 provides the value proposition of the Network and lists potential risks to the centers.⁶² The authors provide an overview of the Network identifying organizational concerns as well as potential recommendations to Congress on a path forward. The documents highlight the value proposition of the network and identify ideals that it attempts to achieve as well as operating philosophies, current direction, management issues, and external misuse concerns.⁶³

A 2011 report describing the Nationwide Suspicious Activity Reporting Initiative (NSI) and general sharing of terrorism information provides an overview of operations and explains how fusion centers are at the core of collection and integration of domestic intelligence reporting concerning suspicious activities.⁶⁴ Some of the concerns raised in the report focus on privacy and data access, as well as the potential for a system stressed by an influx of too much information.⁶⁵ While focusing on the President's Countering Violent Extremism (CVE) initiative which attempts to counter radicalization in the United States, another report notes fusion centers' role in aiding in this effort.⁶⁶ This document highlights the strategic goals and implementation plans as well as defines the program's three main objectives: to enhance federal engagement in this topic, to increase governmental expertise in this arena, and to counter extremist propaganda. In the view of this report, fusion centers are seen as integral participants in the initiative best poised for community engagement.⁶⁷

The GAO has also reviewed and reported on operations of the Network. In her September 2007 testimony to the U.S. House of Representatives Subcommittee on

62. Masse, O'Neil, and Rollins, *Fusion Centers: Issues and Options*; Todd Masse and John Rollins, *A Summary of Fusion Centers: Core Issues and Options for Congress* (CRS Report No. RL34177) (Washington, DC: Congressional Research Service, 2007), <http://fas.org/sgp/crs/intel/RL34177.pdf>; John Rollins, *Fusion Centers: Issues and Options for Congress* (CRS Report No. RL34070) (Washington, DC: Congressional Research Service, 2008), <http://fas.org/sgp/crs/intel/RL34070.pdf>.

63. Ibid.

64. Bjelopera, *Terrorism Information Sharing*.

65. Ibid.

66. Jerome P. Bjelopera, *Countering Violent Extremism in the United States* (CRS Report No. R42553) (Washington, DC: Congressional Research Service, 2012).

67. Ibid.

Intelligence, the Information Sharing and Terrorism Risk Assessment, and the Committee on Homeland Security, Eileen Larence cited various challenges facing the Network.⁶⁸ This testimony and subsequent reporting later that year from GAO provided an overview of DHS and DOJ efforts to support fusion centers citing items such as access to information systems, issuance of security clearances for center personnel, deployment of personnel, technical assistance services, and funding. These reports recognize fusion centers as an important part of the Information Sharing Environment (ISE) and communicate concerns expressed by a sampling of centers such as sustainment funding and the lack of a long-term federal strategy to support the network.⁶⁹

A 2008 update to previous reporting by GAO revisited some of its earlier findings, but lists the improvement of federal government efforts to support the Network.⁷⁰ It cites the development of baseline capabilities for fusion centers as useful for the network, but refrains from making an early assessment of the extent of the impact.⁷¹ A 2010 assessment on the Network from the same organization found that many items on the same topic were lacking.⁷² While grant guidance had since been amended to address fusion centers sustainment, funding was still a concern. They noted homeland security grant funding did not have a specified requirement that directly supported individual centers which caused this funding to be uneven across the Network. Findings from their research also cited that the DHS had not identified specific performance measures to evaluate the Network.⁷³

68. *Homeland Security: Preliminary Information on Federal Actions to Address Challenges Faced by State and Local Information Fusion Centers, Testimony before the Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, Committee on Homeland Security, House of Representatives* 110th Cong. (2007) (testimony of Eileen Larence, Director Homeland Security and Justice Issues, Government Accountability Office), <http://www.gao.gov/assets/120/117900.pdf>.

69. Ibid.

70. Ibid.

71. Ibid.

72. U.S. Government Accountability Office, *Federal Agencies Are Helping Fusion Centers Build and Sustain Capabilities and Protect Privacy, but Could Better Measure Results* (GAO-10-972) (Washington, DC: U.S. Government Accountability Office, 2010), <http://www.gao.gov/assets/320/310268.pdf>.

73. Ibid.

A 2010 report studying the DHS Office of Intelligence and Analysis' (I&A) mission to support state and local organizations underscored the importance of initiatives such as the development and cataloguing of stakeholder information needs which were at that time underway.⁷⁴ The document cites fusion centers as a necessary conduit for DHS to execute its information sharing mission. Recommendations from the investigation stated milestones and timelines. The report also stated the view that continued use of and encouragement of feedback from state and local partners was needed to aid in prioritization of customer needs. The document also recommended the establishment of a timeline for the creation of additional performance measures.⁷⁵

In its 2011 report on interaction between state Emergency Operation Centers (EOC) and fusion centers, the DHS Office of Inspector General (OIG) recognized the critical roles that fusion centers and EOCs have in coordinating operations and sharing information throughout their state and local jurisdictions.⁷⁶ The document specifically addresses interactions between fusion centers and EOC finding that in many cases, there is limited knowledge from each element of the others responsibilities or capabilities. Recommendations from this investigation identified items to increase collaboration among the two types of centers.⁷⁷

In 2012 and 2013, the U.S. Senate and U.S. House of Representatives released separate reports assessing operations, capabilities, and identifying concerns of organizations involved with direct and indirect support to the Network.⁷⁸ The report titled

74. U.S. Government Accountability Office, *Information Sharing: DHS Could Better Define How It Plans to meet Its State and Local Mission and Improve Performance Accountability* (GAO-11-223) (Washington, DC: U.S. Government Accountability Office, 2010), <http://www.gao.gov/new.items/d11223.pdf>.

75. Ibid.

76. U.S. Department of Homeland Security, Office of the Inspector General, *Relationships between Fusion Centers and Emergency Operations Centers* (Washington, DC: U.S. Department of Homeland Security, 2011), http://192.168.1.1:8181/http://www.oig.dhs.gov/assets/Mgmt/OIG_12-15_Dec11.pdf.

77. Ibid.

78. U.S. Senate, Permanent Subcommittee on Investigations, *Federal Support for and Involvement*; U.S. House of Representatives, *Majority Staff Report on the National Network of Fusion Centers*, Committee on Homeland Security (Washington, DC: U.S. House of Representatives, 2013), <http://homeland.house.gov/sites/homeland.house.gov/files/documents/CHS%20SLFC%20Report%202013%20FINAL.pdf>.

Federal Support for and Involvement in State and Local Fusion Centers communicated claims such as DHS missteps which have yielded in low quality intelligence to support counterterrorism efforts. Also noted are examples of fusion center products that highlight civil liberty and privacy concerns as well as the assessment that DHS has overinflated the value and success of fusion centers. The report also cites examples that led to the findings that DHS mismanagement of homeland security grant funding has led to misuse.⁷⁹

The report from the U.S. House of Representatives highlights the results of a nineteen-month study of the Network.⁸⁰ The committee assessed that the Network enhances the capabilities of the federal government's counterterrorism efforts and mentioned that fusion centers allow the government to leverage unique expertise potentially unavailable otherwise. The authors of the House report also identify that the establishment of critical operating capabilities has increased fusion center consistency and recommends continued federal government support to aid in the further maturation of the Network. This document recognized some of the previous and continuing challenges that the Network has experienced, but cited improvements that have led to increased capabilities of these organizations. One challenge to fusion centers mentioned as an item in the report that needs to be addressed is the creation of a comprehensive national strategy, which includes considerations for the operations of the Network. The report also mentioned that diminished funding was a risk to the further development of the Network and expressed concern that dwindling budgets could cause components of the Network to close leaving the country at a greater risk. Increased efforts to bolster processes, such as liaison officer programs to facilitate information flow to non-law enforcement first responders and critical infrastructure partners, was claimed to be a positive capability of the Network and one that should be targeted for continued improvement.⁸¹

In conjunction with allied partners, DHS published the aggregated findings of its 2011, 2012, and 2013 assessments of the Network, which consisted of an evaluation of all fusion centers that comprised the Network in those reporting periods (72, 77, and 78

79. U.S. Senate, *Federal Support for and Involvement*.

80. U.S. House of Representatives, *Majority Staff Report on Fusion Centers*.

81. *Ibid*.

respectively).⁸² The assessments looked at the Network's progress on obtaining the critical operating capabilities and enabling capabilities. The first document attempted to establish the initial baseline of capabilities assessed in a manner that was intended to provide a repeatable report where subsequent findings could identify positive or negative directions of the Network.⁸³ The 2012 report was the first of subsequent reports which was able to compare the Network's performance to the previous year's assessment.⁸⁴ All three reports revealed many year-over-year improvements from the original 2011 assessment, showing a 14 percent network average score increase, which demonstrated the continued maturation of the Network.⁸⁵ Of particular interest to this research is the review of fusion centers communications and outreach. The authors note an overall increase in the Network's score in this category and clearly state the importance of the establishment and execution of a strategic communication plan, but this part of the assessment appears to have focused on the presence of a plan and not on the substance or specific implementation tactics of the plan.⁸⁶

Viewed individually, documents from this second category provide individual assessments of the Network. Analyzing the entire group of reports, on the other hand, provides great insight to help identify strengths of, and challenges to, the Network from multiple angles of exposure. Virtually every piece of literature in this grouping acknowledges the unique and significant role fusion centers play in the information sharing environment. While a few of the reports appear to have overly negative or positive biases about fusion center performance, many of the reviews communicate similar concerns and gaps experienced by fusion centers. These similarities could

82. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers: Final Report* (Washington, DC: U.S. Department of Homeland Security, 2012), <http://www.dhs.gov/sites/default/files/publications/2011-national-network-fusion-centers-final-report.pdf>; U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*; U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*.

83. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*.

84. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*.

85. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 5.

86. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*; U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 24–27; U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 32.

represent areas where targeted performance measures and external communications from the Network should focus.

C. LITERATURE: SUPPLEMENTAL-MARKETING/BRANDING

This category of literature consists of documents produced by industry and academia that explore marketing and branding principles. None of the content discovered directly addresses research or studies conducted specifically on strategic communications or marketing as it pertains to fusion centers. There is a vast body of literature consisting of topics on marketing and branding available. Attempts were made to review a variety of pieces in this discipline that cover strategies when bringing traditional industry products and government programs to market. Research in this category attempted to identify common components of successful marketing plans as discovered by academic research, viewed from expert opinion, or identified by industry. Identification of marketing successes that contain elements which can be applied to the Network was sought in this grouping.

Antonopoulos discusses that like traditional business, governments need to market and brand their services in order to ensure success.⁸⁷ He explains that immersing technologies, such as social media websites and the like, have caused the consumer (general public in the case of government) to become more savvy and selective compared to past consumers. These technologies need to be engaged in order to execute a successful marketing campaign. Marketing strategies also need to incorporate senior leaders from the onset in order to benefit from them as champions for the product/service. Antonopoulos's article explains that good brands must be simple and communicate a clear picture of the product or service. They must also be meaningful and allow employees to communicate the reason they do what they do, motivate people, create trust, create unity in the organization, lead behavioral change, and be relevant to the organization and to the consumer, as well as develop a unified brand identity across all

87. Jim Antonopoulos, "Branding for Government Agencies," *Government News* 32, no. 1 (2012), <http://search.informit.com.au/documentSummary;dn=073030856565896;res=IELHSS>, 20.

areas of communication. He explains that marketing strategies need to have clear objectives, performance indicators and effectiveness measurements.⁸⁸

In an interview by Eileen Courter, Maurice Smith, President and CEO of the Local Government Federal Credit Union in Raleigh, North Carolina, explains his background and reasons for the success of his organization.⁸⁹ Smith attributes the positive outcomes to organizational branding and marketing. He explains that relationship building starting with his advisory council has contributed to consumer understanding of the organization and enhanced customer loyalty. Emphasis on two-way communication was cited as aiding in the process.⁹⁰

Research into the marketing of education for the United Kingdom University in the article “Emotional Connections in Higher Education Marketing” identifies the need for universities to develop relationships with would-be students at an earlier age.⁹¹ The article examines the University of Ulster branding and marketing strategies, which are intended on making an emotional connection with potential students. The campaign was centered on an androgynous character at a decision point in his/her life where opportunities were most abundant at the University of Ulster. The campaign put to use television, radio, billboards, as well as Internet advertisements as its dissemination platforms. The study found that the character was able to form an emotional connection with potential customers who related to his plight. The University saw a marked increase in brand recall that resulted in increased product interest.⁹²

A study based on surveys of 274 public managers involved in place marketing based out of the Netherlands discussed that perceived obstacles to the implementation of

88. Ibid.

89. Eileen Courter, “Local Government FCU Is Proud of Its Branding and Marketing,” *Credit Union Times* 21, no. 17 (2010): 8.

90. Ibid.

91. Mark Durkin, Seamas McKenna, and Darryl Cummins, “Emotional Connections in Higher Education Marketing,” *The International Journal of Educational Management* 26, no. 2 (2012): 153–161, doi: 10.1108/09513541211201960.

92. Ibid.

a marketing plan did not necessarily determine the effectiveness of a campaign.⁹³ The study aimed to identify obstacles in place marketing and relationships between the obstacles and the results of the campaigns. The surveys indicated that public managers felt administrative and political obstacles were the most influential determinant of success or failure of a marketing campaign. Analysis indicated that while those items were important, the substance/content of the marketing campaign had the most significant influence on attracting the target audience to the product.⁹⁴

Hood and Henderson describe the evolution of the United Kingdom Public Library Service and its attempt to market itself to increase awareness of services and product use.⁹⁵ The article highlights the decline in popularity that stems from competition from commercial book sellers, libraries not being viewed as the public center anymore, and perception that the Internet provides individuals with broader access to information. Budget reduction is also cited as a culprit for a decline in library usage and has led to them being viewed as a service in decline. The article provides insight into the advantages and drawbacks of the development of a national marketing strategy and highlights factors motivating stakeholder development of a brand as well as thoughts about how a brand would benefit the organization.⁹⁶

In “Governance in Innovative Cities and the Importance of Branding,” Hospers explains how Austin, Texas, Oresund, Sweden, and Manchester, United Kingdom, targeted policy measures in the field of innovation with a particular focus on branding.⁹⁷ Discussion on the importance of image is cited as being a determining factor of recruiting individuals into a city. Examples are provided of cities with similar and/or generic monikers branding themselves in a manner that does not differentiate themselves from

93. Jasper Eshuis, Erik Braun, and Erik-Hans Klijn, “Place Marketing as Governance Strategy: An Assessment of Obstacles in Place Marketing and Their Effects on Attracting Target Groups,” *Public Administration Review* 73, no. 3 (2013): 507–516, doi:10.1111/puar.12044.

94. Ibid.

95. David Hood, and Kay Henderson, “Branding in the United Kingdom Public Library Service,” *New Library World* 106, no. 1/2 (2005): 16–28, doi:10.1108/03074800510575320.

96. Ibid.

97. Gert-Jan Hospers, “Governance in Innovative Cities and the Importance of Branding,” *Innovation : Management, Policy & Practice* 10, no. 2/3 (2008): 224–234, doi: 10.5172/impp.453.10.2-3.224.

other cities thereby defeating the purpose of the brand. Oresund was described as having successfully branded the region through the networked use of its logo to partner organizations where each city was able to employ the region's brand for their own marketing initiatives.⁹⁸

Another study, described in an article in *International Journal of Organizational Innovation*, used customer surveys from Taiwan-based retail stores in an attempt to determine how branding, marketing strategy and product/service quality affect customer loyalty.⁹⁹ The author found that corporations can influence customer loyalty by focusing on brand equity and marketing mix, while customer service seemed to influence product recommendation.¹⁰⁰

Catherine Needham reviewed the Clinton and Blair administration's efforts to strategically communicate their goals and objectives in order to gain and maintain public support.¹⁰¹ She identified positive and negative aspects of their marketing campaigns in the U.S. and UK respectively. Needham identified six attributes of successful brands as simplicity, uniqueness, reassurance, aspiration, values, and credibility. Her article discusses how defensive marketing techniques were administered to ensure customer satisfaction and consolidate support. It also discussed how the administrations worked at different points to reassure their support base that they made the right decision. Post-purchase reassurance was viewed as important when there was little brand differentiation or the lack of the ability to judge between competing brands. She found that the strategic imperative for a government is to build enduring relationships with its winning coalition of voters, ensuring that the bundle of impressions that led voters to elect it was reinforced from within office. Needham explained how effective brands consider internal values, external presentation, and consumer perception in order to increase customer loyalty. If a

98. Ibid.

99. Yu-Jia Hu, "How Brand Equity, Marketing Mix Strategy and Service Quality Affect Customer Loyalty: The Case of Retail Chain Stores in Taiwan," *International Journal of Organizational Innovation (Online)* 4, no. 1 (2011): 59–73, http://www.ijoi-online.org/attachments/article/27/VOL_4_NUM_1_SUMMER%20_2011.pdf.

100. Ibid.

101. Catherine Needham, "Brand Leaders: Clinton, Blair and the Limitations of the Permanent Campaign," *Political Studies* 53, no. 2 (2005): 343–361, doi:10.1111/j.1467-9248.2005.00532.x

marketing campaign is executed properly, it will simplify the message, differentiate it from competitors, minimize perception of consumer risk, evoke a particular vision of the good life or personal enhancement, symbolize the internal values of the company, and ensure brands are perceived as credible, delivering on its promise.¹⁰²

In their article, Smith and Speed discussed how cultural branding elements, specifically consumer culture theory (CCT) can provide political stability if applied in UK political marketing.¹⁰³ They explain how CCT focuses on sociology and anthropology as sources of marketing. The article identifies traits and roles of branding in politics and how cultural branding may help identify gaps between brand identity and brand image.¹⁰⁴

Szondi addressed the importance of public relations (PR) in nation branding; he pointed out that relationship building may overtake image management as the new marketing paradigm.¹⁰⁵ His article identified common misuse and overgeneralization of branding concepts. He claimed PR is described as heavily investing in relationships between the patron and client that can potentially develop into communal relationships that are valued as having a high level of trust, thereby increasing the strength of a brand. These relationships were viewed as strongest, provided the message was consistent, two-way, anticipated important issues, viewed as trustworthy, and enabled an organization to serve a community.¹⁰⁶

Another document reviewed brand symbols and slogans of 97 government websites and recommended best practices as well as highlighted challenges.¹⁰⁷ Some of

102. Ibid.

103. Gareth Smith and Richard Speed, "Cultural Branding and Political Marketing: An Exploratory Analysis," *Journal of Marketing Management* 27, no. 13/14 (2011): 1304–1321, doi: 10.1080/0267257X.2011.628449.

104. Ibid.

105. Gyorgy Szondi, "From Image Management to Relationship Building: A Public Relations Approach to Nation Branding," *Place Branding and Public Diplomacy* 6, no. 4 (2010): 333–343, doi:<http://dx.doi.org.libproxy.nps.edu/10.1057/pb.2010.32>.

106. Ibid.

107. Mary Tschirhart, "Evaluation of Brand Use on City Government websites: A Search for Brand Type, Repetition, and Consistency," *Journal of Nonprofit & Public Sector Marketing* 19, no. 1 (2008): 35–53, doi: 10.1300/J054v19n01_02.

the challenges mentioned concerned the infrequent use of brand elements and suggested the integration of marketing communications. The author also explained the difficulty of controlling the strategic messaging of organizations with multiple and varied ownership. The article further discussed how to communicate brand knowledge through repetitive messaging and made claims that it aids with brand recall and recognition. The author discussed additional challenges of government branding, such as customer confusion due to multiple organizations marketing and branding similar entities. An example provided was a local government attempting to brand a city while the chamber of commerce may have a similar, but different market strategy.¹⁰⁸

This third category of literature highlighted many reviews, studies, and opinions of elements that contribute to or detract from a successful marketing strategy. Viewed together, they allow the reviewer to extract common elements that need to be considered in the development of a marketing campaign for a product, initiative, idea, and even a location. This category lacks specific research on strategic communications concerning the Network. This section also does not directly address recommendations or ideas for executing such a plan.

D. LITERATURE: SUPPLEMENTAL-NETWORK

The last grouping of literature reviewed consists of items from authors and organizations from a variety of backgrounds. Some of the documents represent official governmental reports, others consist of findings from academic research, and others may represent findings from organizations with obvious biases on the topic of fusion centers. That said, each of these documents provides relevant points of view or introduces topics and arguments germane to the Network. Some of the findings from organizations with an obvious prejudice against the mission of the Network are still relevant since aspects of their findings have, at times, been similar to other findings from separate organizations, which increase the validity of that specific finding.

In its 2013 review of information sharing, the GAO conducted an assessment focusing largely on the Nationwide Suspicious Activity Reporting Initiative (NSI) and

¹⁰⁸. Ibid.

evaluating the current status of the program.¹⁰⁹ This review provides overall recommendations to bridge some of the gaps identified in the assessment. While this document focuses on the federal aspect of this program, it highlights that central stakeholders are state and local partners. In addition, it specifically mentions fusion center involvement as key to the program's success. Sections of the report address DHS's evaluation of suspicious activity reporting provided by state and local partners from 2007 to 2011.¹¹⁰ Review of the reporting resulted in 69 percent being rated as having analytic value.¹¹¹

In his March 2013 testimony to the U.S House of Representatives, Ross Ashley explained the importance of the Network and highlighted the value proposition of the organization.¹¹² He cited various success stories illustrating the Network's role in gathering, analyzing, and disseminating information to entities across the nation. He stressed that the Network had a positive impact not only on the nation's counterterrorism efforts, but with traditional law enforcement activities as well. Funding increases were mentioned as necessary to sustain and grow the Network.¹¹³

In their published report, *Zones of Opacity*, Monahan and Regan conducted interviews and research into state surveillance and focused on the Network.¹¹⁴ They provide the background of fusion centers, highlighting their integral role in intelligence operations. In their article, they introduce fusion centers as "centres of concatenation" and describe their operations as nodes in the information pipeline that often plays an important role in data fusion, but they tend not to be the start or endpoint of operations. Some of the concerns communicated by the authors dealt with privacy as numerous other

109. U.S. Government Accountability Office, *Information Sharing: Additional Actions Could Help Ensure That Efforts to Share Terrorism-Related Suspicious Activity Reports are Effective* (GAO-13-233) (Washington, DC: U.S. Government Accountability Office, 2013), <http://192.168.1.1:8181/http://www.gao.gov/assets/660/652995.pdf>.

110. Ibid.

111. Ibid., 35.

112. *Fiscal Year 2013 FEMA Budget Request*.

113. Ibid.

114. Torin Monahan and Priscilla M. Regan, "Zones of Opacity: Data Fusion in Post-9/11 Security Organizations," *Canadian Journal of Law & Society* 27, no. 3 (2012): 301–317, doi: 10.1353/jls.2012.0033.

primary sources have indicated. Monahan and Regan also found that while many of the fusion center staff (representing three dozen centers) reported having an oversight or advisory board, these governing structures may be focusing more on the future direction or strategic plans of the individual centers and less on adherence to policy. They conclude that fusion centers may be in need of more structured governance and express concern that this may be a difficult task.¹¹⁵

In their 2007 report, titled *What's Wrong with Fusion Centers*, German and Stanley discuss the Network's role in law enforcement and intelligence activities.¹¹⁶ They lend a critical view toward the Network and cite cases where some fusion centers engaged in what they define as improper activities. A majority of the items mentioned focused on civil liberties and privacy rights of citizens. Stanley and German make various assertions against the Network and draw parallels between the centers and "Anti-Subversive Squads, Red Squads," and a highly disputed FBI Counter Intelligence Program (COINTELPRO). The authors make claims concerning the unlawfulness of fusion center collaboration with non-law enforcement partners such as the military, private sector, and others. They also state that there are virtually no guidelines, legal framework, or oversight mechanisms governing the fusion centers. Stanley and German also make accusations that unspecified centers are willingly attempting to break privacy laws and that fusion centers in general are not effective at executing their mission requirements.¹¹⁷

In "Fusion Center Privacy Policies: Does One Size Fit All?" Jennifer Harper examines the balance between fusion center information sharing intended to enhance national security and privacy and civil liberty concerns.¹¹⁸ She explores many of the privacy, civil rights, and civil liberty concerns expressed by governmental and private organizations regarding fusion centers. Harper's research covered the roles and

115. Ibid.

116. German and Stanley, *What's Wrong*.

117. Ibid.

118. Jennifer L. Harper, "Fusion Center Privacy Policies: Does One Size Fit All?" (master's thesis, Naval Postgraduate School, 2009).

responsibilities of fusion centers, relevant federal regulations concerning privacy, guidelines set forth to the Network by DOJ and DHS, as well as documents from privacy advocacy organizations. Her paper concludes with the recommendation of a privacy framework for a specific fusion center in the northeastern part of the United States.¹¹⁹

In his research involving four fusion centers in the northeastern part of the United States, Walter Smith attempted to study successes, failures, and general processes in order to identify traits for the development of an ideal fusion center.¹²⁰ His research involved dissecting DHS and DOJ guidelines in order to determine how each of the fusion centers implemented these recommendations. Smith highlights the fusion center and DHS value propositions, fusion center success stories, fusion center capabilities, and reviewed operations of the four centers mentioned above. He also reviewed existing reporting and documentation that attempted to highlight and critique fusion center capabilities and functions. Smith's findings identified that a federated strategy for fusion centers was key to the Network's success and assessed that the fusion centers he reviewed were moving in a positive direction ultimately unifying the Network.¹²¹

This last category of documents consists of research, opinions, and studies of different aspects of the Network. Some of the opinions and findings expressed in the documents mirror some of those defined in literature in the other categories. Many of the reports in this body of work provide unique perspectives and viewpoints focusing on direction, effectiveness, and challenges of fusion center operations. This category enhances the understanding of the Network and balances reporting from other primary and secondary sources.

E. LITERATURE: CONCLUSION

Literature in the area concerning guidelines for the management, structure, and mission responsibilities of fusion centers is vast. These documents provide a good

119. Ibid.

120. Smith, "Developing a Model Fusion Center to Enhance Information Sharing."

121. Ibid.

template for the development and operation of a fusion center and are viewed as credible documents created by leveraging subject matter experts in a variety of disciplines.

Other reporting highlights the successes and challenges of the Network and provides a unique picture at the direction and maturation of the organization overtime. While some of the critiques or assessment methodology may be subject to biases due to many variables, many of the major findings and concerns across this body of reporting have similar threads, which increase the confidence in the summary of this category's findings. There is a significant amount of published research concerning marketing principals from primary and secondary sources. This category is void of study specifically dealing with fusion centers or marketing research conducted on a parallel entity similar to the Network.

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III. ADMINISTRATION

A. ELEMENTS

This chapter concerns items dealing with the administration of individual fusion centers and the Network writ large. Administration of fusion centers involves network oversight structures, governing bodies with responsibilities over the fusion centers, legal authorities in which different parts of the Network are required to operate, disciplines of those participating within fusion centers, as well as overall management and organizational structures. Components of administration have come into question since the establishment of fusion centers.

DHS organizes these fusion centers into two categories: primary fusion centers and recognized fusion centers.¹²² Those achieving the primary designation have been identified by the state or territory's senior executive as their lead fusion center for the integration of intelligence information.¹²² This designation signifies the organizational alignment of a given state or territory and does not necessarily define authority or governing hierarchy. Simply put, at network level, each center is treated as its own entity and each center has the same weight of representation in the Network. Because of this decentralized structure, each of the 78 fusion centers that make up the Network are owned and operated by their own executive agencies and departments.¹²³

Primary Fusion Centers

- Alabama Fusion Center
- Alaska Information and Analysis Center
- Arizona Counter Terrorism Information Center
- Arkansas State Fusion Center
- California State Threat Assessment Center
- Colorado Information Analysis Center
- Connecticut Intelligence Center

122. U.S. Department of Homeland Security, "Fusion Center Locations and Contact Information."

123. U.S. Department of Homeland Security, "State and Major Urban Area Fusion Centers," accessed March 16, 2014, <http://www.dhs.gov/state-and-major-urban-area-fusion-centers>

- Delaware Information and Analysis Center
- Florida Fusion Center
- Georgia Information Sharing and Analysis Center
- Hawaii Fusion Center
- Idaho Criminal Intelligence Center
- Illinois Statewide Terrorism and Intelligence Center
- Indiana Intelligence Fusion Center
- Iowa Intelligence Fusion Center
- Kansas Intelligence Fusion Center
- Kentucky Intelligence Fusion Center
- Louisiana State Analytical & Fusion Exchange
- Maine Information and Analysis Center
- Mariana Regional Fusion Center (Guam)
- Maryland Coordination and Analysis Center
- Massachusetts Commonwealth Fusion Center
- Michigan Intelligence Operations Center
- Minnesota Fusion Center
- Mississippi Analysis and Information Center
- Missouri Information Analysis Center
- Montana All-Threat Intelligence Center
- Nebraska Information Analysis Center
- New Hampshire Information and Analysis Center
- New Jersey Regional Operations Intelligence Center
- New Mexico All Source Intelligence Center
- New York State Intelligence Center
- North Carolina Information Sharing and Analysis Center
- North Dakota State and Local Intelligence Center
- Ohio Strategic Analysis and Information Center
- Oklahoma Information Fusion Center
- Oregon Terrorism Information Threat Assessment Network

- Pennsylvania Criminal Intelligence Center
- Puerto Rico National Security State Information Center
- Rhode Island State Fusion Center
- South Carolina Information and Intelligence Center
- South Dakota Fusion Center
- Southern Nevada Counter-Terrorism Center (Las Vegas, Nevada)
- Tennessee Fusion Center
- Texas Joint Crime Information Center
- U.S. Virgin Islands Fusion Center
- Utah Statewide Information and Analysis Center
- Vermont Intelligence Center
- Virginia Fusion Center
- Washington Regional Threat and Analysis Center (Washington, D.C.)
- Washington State Fusion Center
- West Virginia Intelligence Fusion Center
- Wisconsin Statewide Information Center¹²⁴

Recognized Fusion Centers

- Austin Regional Intelligence Center; Austin, Texas
- Boston Regional Intelligence Center; Boston, Massachusetts
- Central California Intelligence Center; Sacramento, California
- Central Florida Intelligence Exchange; Orlando, Florida
- Chicago Crime Prevention and Information Center; Chicago, Illinois
- Cincinnati/Hamilton County Regional Terrorism Early Warning Group; Cincinnati, Ohio
- Dallas Fusion Center; Dallas, Texas
- Delaware Valley Intelligence Center; Philadelphia, Pennsylvania
- Detroit and Southeast Michigan Information and Intelligence Center; Detroit, Michigan

124. U.S. Department of Homeland Security, "Fusion Center Locations and Contact Information."

- El Paso Multi-Agency Tactical Response Information eXchange (MATRIX); El Paso, Texas
- Houston Regional Intelligence Service Center; Houston, Texas
- Kansas City Terrorism Early Warning Fusion Center; Kansas City, Missouri
- Los Angeles Joint Regional Intelligence Center; Los Angeles, California
- Nevada Threat Analysis Center; Carson City, Nevada
- North Central Texas Fusion Center; McKinney, Texas
- Northeast Ohio Regional Fusion Center; Cleveland, Ohio
- Northern California Regional Intelligence Center; San Francisco, California
- Northern Virginia Regional Intelligence Center; Fairfax, Virginia
- Orange County Intelligence Assessment Center; Orange County, California
- San Diego Law Enforcement Coordination Center; San Diego, California
- Southeast Florida Fusion Center; Miami, Florida
- Southeastern Wisconsin Threat Analysis Center; Milwaukee, Wisconsin
- Southwest Texas Fusion Center; San Antonio, Texas
- Southwestern PA Region 13 Fusion Center; Pittsburgh, Pennsylvania
- St. Louis Fusion Center; St. Louis, Missouri¹²⁵

Many of these parent organizations are law enforcement agencies or departments that have law enforcement and security responsibilities. In the majority of the cases where the fusion center is recognized as the state or territory's primary fusion center, this owning department is often times a state law enforcement entity. One example of this arrangement is the New Jersey Regional Operations and Intelligence Center (NJ ROIC), which is directly managed by the New Jersey State Police.¹²⁶ In the case of recognized fusion centers, it is normally based in major metropolitan areas where the parent organization is represented by the owning city's police department. The Southeastern

125. Ibid.

126. New Jersey Regional Operations Intelligence Center, *New Jersey ROIC Privacy Policy* (Trenton, NJ: Regional Operations Intelligence Center) accessed July 27, 2014, http://www.njsp.org/info/pdf/042213_roic_privpolicy.pdf.

Wisconsin Threat Analysis Center (STAC) falls into this category and is directed by the Milwaukee Police Department.¹²⁷ In other cases, the fusion center is led by different agency representatives. For instance, the state center in Maryland, the Maryland Coordination and Analysis Center (MCAC), is directed by an individual from the Baltimore Police Department.¹²⁸ The MCAC has operated with differing agency leadership in accordance with its management models and structure.

B. CRITICISMS

The varying command structures described in the section above feed into the perception that the Network is suffering from a chaotic management structure, which is unable to support consistent capabilities across the components of the organization. Reviewing bodies and outside entities have raised criticisms about the various command structures of the fusion centers to such an extent that this topic demands significant attention. Some view the Network as a lawless body which lacks adequate oversight for its operations. The concern about the inconsistent management and governance structure of fusion centers has been cited consistently over the past decade by independent observers, Congress, as well as governmental assessors. Many of the criticisms make claims that the current governance of the Network has negatively contributed to performance and efficiency.

In the 2013, as the author of the Brennan Center study of 16 police departments, 19 fusion centers, and 12 joint terrorism task forces, Price surmised that “many state and local intelligence programs lack adequate oversight.”¹²⁹ While federal agencies operate under the watch of independent inspectors general, there is often no equivalent for state and local information sharing ventures.”¹³⁰ This report cited areas where the lack of a consistent centralized structure has led to differing interpretations of lawful reportable

127. “WiWatch,” Southeastern Wisconsin Threat Analysis Center, accessed July 27, 2014, <http://city.milwaukee.gov/WiWATCH/stac>.

128. “Our Mission,” Maryland Coordination and Analysis Center, accessed July 27, 2014, http://www.mcac.maryland.gov/about_mcac/our_mission/.

129. Price, *National Security and Local Police*, 1.

130. Ibid.

activities to law enforcement and fusion centers. For instance, the Houston Police Department operates under very broad guidelines for reporting, which amounts to police officers reporting any item deemed suspicious. In contrast, other departments, such as the Los Angeles Police Department uses specific threshold criteria such as sensitive property theft and the communication of a threat as requirements for reporting.¹³¹

The American Civil Liberties Union (ACLU) has also expressed concern over the seemingly blurry lines of authority over the fusion centers.¹³² German and Stanley find that decentralized leadership for the Network has caused disparate lines of authority that have led to differing translations of legal requirements. They further explain this has led to “policy shopping” and uneven application of law.¹³³ Similarly, the Constitution Project claims that the vast array of management structures executed by elements of the Network greatly complicates oversight.¹³⁴ These organizations suggested that fusion center leadership has purposefully intended to circumvent applicable law and guidelines in order to conduct operations in many cases.

In 2012, the Senate Subcommittee on Investigations published findings from a two-year examination on federal support the Network.¹³⁵ Some of the criticisms voiced in the report focused on the potential misuse of grant funds by fusion centers and DHS’s weak oversight of the Network and related intelligence operations. While focusing on the federal responsibilities in the realm of information sharing, the report hinted that varying fusion center governance and management effectiveness at when citing that the Network has not contributed to the disruption of terrorist organizations that could impact the homeland. The report’s findings cited that information processed and provided from the Network was often duplicative, belated, and that some success stories did not

131. Ibid., 14.

132. German and Stanley, *What’s Wrong*, 3, 9, 10.

133. Ibid.

134. Constitution Project, *Recommendations for Fusion Centers: Preserving Privacy & Civil Liberties while Protecting against Crime & Terrorism* (Washington, DC: Constitution Project, 2012), <http://192.168.1.1:8181/http://www.constitutionproject.org/pdf/fusioncenterreport.pdf>, 19.

135. U.S. Senate, *Federal Support for and Involvement*.

demonstrate that the Network provided unique intelligence contributions for four specific terrorist plots reviewed by the authors.¹³⁶

The House Committee on Homeland Security published a report on fusion centers in 2013 that also recognizes the differing administrative environments between fusion centers.¹³⁷ In this regard, the report recognizes that these differing structures have complicated clean funding lines for every center and, in many cases, have complicated the grants process. Authors of this report found that many areas of operation and integration of the Network and federal partners need to be standardized to enhance efficiency.¹³⁸

A report focusing on the Network produced by the Congressional Research Service titled *Fusion Centers: Issues and Options for Congress* reviewed the status of the Network.¹³⁹ The report identified potential risks to the centers and recommendations for moving forward. Some examples of highlighted concerns that the report lists are the diversity among the centers as well as the ownership of centers, which in some cases had ambiguous operating authorities.¹⁴⁰

C. ANALYSIS

The inability to apply one structural template to an organization of 78 separate elements appears, at face value, to complicate strategic management efforts. The Network components operate under dozens of jurisdictional guidelines, statutes, and laws due to the dozens of municipal, county, state, tribal, and territory boundaries that comprise their areas of operation. It is these boundaries that have contributed to the variety of diverse administrative structures present today. Many of these organizational varieties were also established due to the composition of the governing bodies and/or requirements levied on the fusion center's executive agency.

136. Ibid., 32, 51, 101–104.

137. U.S. House of Representatives, *Majority Staff Report on Fusion Centers*.

138. Ibid., 21–23.

139. Rollins, *Fusion Centers: Issues and Options for Congress*.

140. Ibid., 2, 3, 19, 20.

The *2011 National Network of Fusion Centers: Final Report*, published by DHS and allied partners, highlighted the findings of a capability assessment conducted on 72 fusion centers in an attempt to catalogue data that would help assess the maturity of the Network.¹⁴¹ The assessment was developed in a format that is repeatable in order to assist in the future tracking of improvements and, if applicable, backslides in the Network’s capabilities. Their study was based on data acquisition of 50 attributes related to the Network’s status of achieving the critical operating capabilities (COC) and enabling capabilities (EC) intended to aid in assessing fusion center capability.¹⁴² (Table 1 provides a description of the COCs and Table 2 highlights the ECs.)

Critical Operating Capabilities (COC)	
COC #1—Receive	The ability to receive classified and unclassified information from federal partners
COC #2—Analyze	The ability to assess the local implications of threat information through the use of a formal risk assessment process
COC #3—Disseminate	The ability to further disseminate threat information to other state, local, tribal, and territorial entities within their jurisdictions
COC #4—Gather	The ability to gather locally generated information, aggregate it, analyze it, and share it with federal partners as appropriate

Table 1. Critical Operating Capabilities¹⁴³

141. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*.

142. Ibid.

143. U.S. Department of Homeland Security, “Annual Fusion Center Assessment and Gap Mitigation Activities,” accessed March 31, 2014, <http://www.dhs.gov/annual-fusion-center-assessment-and-gap-mitigation-activities>.

Enabling Capabilities (EC)	
EC #1—Privacy, Civil Rights, and Civil Liberty Protections	The ability and commitment to protect the privacy, civil rights, and civil liberties of all individuals
EC #2—Sustainment Strategy	The ability to establish and execute a sustainment strategy to ensure the long-term growth and maturity of the National Network
EC #3—Communications and Outreach	The ability to develop and execute a communications and outreach plan
EC #4—Security	The ability to protect the security of the physical fusion center facility, information, systems, and personnel

Table 2. Enabling Capabilities¹⁴⁴

According to one of the findings from the *2011 National Network of Fusion Centers: Final Report*, 61 fusion centers had an established governance body.¹⁴⁵ These groups have varying composition and specific functions, but each has oversight responsibility over its respective fusion center. Many of the fusion centers are required to receive approval from these bodies in the case of changes to organizational structure, strategic direction, or policy.¹⁴⁶ The 2012 final report for the Network, which reviewed the same elements as the 2011 report, found that the number of fusion centers that had an oversight board had increased to 68.¹⁴⁷ The 2013 results revealed a slight continued increase in this area to 69.¹⁴⁸

Many of these governance and/or oversight structures are comprised of different agency representatives from different disciplines. The 2012 final report noted that emergency management (EM) was represented on the governance bodies 50.6 percent of the time, state or local homeland security agencies at 58.4 percent, and emergency

144. Ibid.

145. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*, 32.

146. Ibid.

147. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 33.

148. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 30.

medical services (EMS) at 20.8 percent.¹⁴⁹ In 2013, the representation of these structures was enhanced with a six, a five, and a two point increase.¹⁵⁰ Over half of these bodies had State/Territorial Office of Homeland Security and police chief or sheriffs' association participation. Slightly over one-third of these structures had state public health and healthcare represented.¹⁵¹

The Columbus, Ohio-based Strategic Analysis and Information Center (SAIC) created the SAIC Executive Working Group, which was established to assist this center with establishing policy and operational guidelines as well as planning and direction.¹⁵² As defined in SAIC policy, membership of this group is open to multiple disciplines and agencies.¹⁵³ Another example of centers utilizing outside organizations to provide strategic guidance and oversight is the Phoenix-based Arizona Counter Terrorism Information Center (ACTIC). While the lead agency for the ACTIC is the Arizona Department of Public Safety (AZ DPS), the ACTIC Executive Management Board is the organization's governing body. ACTIC policy clearly states that AZ DPS is "only responsible for providing the facility and maintaining the infrastructure."¹⁵⁴ The Executive Management Board has representation from over two dozen federal, state, and local agencies representing law enforcement, public safety, military, health, security, and fire service entities.¹⁵⁵

The perceptions that the Network is a lawless body without oversight or third party governance appears to be off base as each fusion center has specified organizational structures and operating policies that have been approved by the various elements addressed above. These concerns are not without merit, however. The roots of this

149. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 33.

150. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 31.

151. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 33–34.

152. Division of Homeland Security Office of Counter Terrorism, *Strategic Analysis and Information Center Policies and Procedures Manual* (Columbus, OH, Strategic Analysis and Information Center, 2009), 12.

153. *Ibid.*

154. Arizona Department of Public Safety, *Arizona Counter Terrorism Center: Consolidated Report* (Phoenix, AZ: Arizona Department of Public Safety, 2013), 15.

155. *Ibid.*, 4, 15.

concern seem to be tied to the often-mistaken belief that there is no unifying chain of command. Seventy-eight organizations with countless partners and varying jurisdictions all operating under the umbrella of the Network can appear as chaos from outside the organization.

Each organization is required to operate in accordance with its applicable state and local laws. A fusion center in Iowa is not able to execute authorities that a fusion center in Alabama operates under unless it is lawfully permitted by its own jurisdictional statutes or regulations. While each organization may have slightly different authorities, as with the thousands of law enforcement agencies (LEA) in the nation, there exists common framework that ensures consistency between these agencies.

The perceptions that the Network is an untamed body operating under an administrative structure that cannot provide consistent oversight has many significant negative implications for the organization. Future funding decisions may be effected if decision makers do not understand the reasons for the current structure. As mentioned above, the U.S. House of Representatives and U.S. Senate have recently cited administrative concerns in committee reports.¹⁵⁶ These reports highlight the variables that come into play when deciding if federal funding should be provided specifically for fusion centers and if so, what levels of federal funding should be provided.¹⁵⁷

Focus on addressing the perceptions about Network administration would enable the organization to better identify specific areas where greater consistency can be achieved. In areas where it cannot, more data would then be available to better articulate the laws, statutes, and ordinances that physically prevent federal governmental organizations from directly overtaking all the responsibilities of the Network. In either case, the perceptions that the Network lacks legitimate oversight and structure can impact fusion center participation locally. The number of organizations contemplating detailing staff to the fusion centers directly or through fusion liaison officer programs may decline if this perception is not resolved. Likewise, organizations that are considering supporting

156. U.S. House of Representatives, *Majority Staff Report on Fusion Centers*; U.S. Senate, *Federal Support for and Involvement*.

157. *Ibid.*

the Network may have a more difficult time gaining approval from decision makers to do so if these perceptions are not addressed.

Efforts to show how the entire Network can operate within approved guidelines with relevant consistency across operations may foster the development of a common understanding of the fusion center project. This understanding may be obtained by changing the frame by which some view the Network. Messaging that describes how individual fusion centers relate to the Network writ large as compared to how county and state public health organizations operate under different individual jurisdictional authorities but are able to contribute to the national common operating picture might aid in this understanding. In a different, but similar manner, strategic communications highlighting how fusion centers operate under their own organic authorities but are able to function as a unified discipline, like that of LEAs across the nation, would help provide context to external observers.

IV. ANALYSIS (INFORMATION)

A. ELEMENTS

This chapter will examine the different aspects of the Network's capacity to conduct intelligence analysis. Raw data and information from a variety of sources may be disseminated to or gathered by the fusion center. This information sharing process is the primary responsibility of every organization in the Network. Information sharing is also a process that is necessary in order to conduct information analysis. Chapter V will discuss information sharing more thoroughly.

Specific processing procedures will vary from each organization in the Network, but information is converted to intelligence once it is processed and some form of analytical vigor is applied to it. Taylor and Russell similarly describe information as unprocessed data and intelligence as analyzed information.¹⁵⁸

As an individual fusion center gains access to information from its allied partners or the public, it almost immediately begins to be processed. The data is first triaged to determine the priority of the information. The priority of the information will determine that way it will be processed, whom it will be disseminated to, as well as how quickly it will be processed. Information that warns of an imminent attack may be processed as a high priority item. High priority data may receive the benefit of having additional technology, resources, or analysis applied to it during processing.

Almost a subset of the prioritize function is the categorize function. During this step of the process, the data is examined to determine what the subject content is of the information. Data that concerns a low-level criminal activity may be processed differently than information that identifies a key leader of a terrorist organization. Depending on the subject area, the information may be further processed by a subject matter expert or an analyst who specializes on the subject content. This step of the process also attempts to determine if any further processing of the information is

158. Robert W. Taylor and Amanda L. Russell, "The Failure of Police Fusion Centers and the Concept of a National Intelligence Sharing Plan," *Police Practice and Research: An International Journal* 13, no. 2 (2012): 186, doi: 10.1080/15614263.2011.581448.

required. However, the data may represent background information for the organization's situational awareness and not require any additional action.

Once the data is processed in accordance with its priority and categorized, the analyst will conduct a review of information and intelligence holdings. This step in the process can be viewed as the first opportunity where the analyst can "connect the dots." This review will attempt to identify any finished intelligence or raw data that might be associated with the specific subject or activity of interest. Holdings concerning adjacent topic matters that could provide context on the subject area of interest may be highlighted as well.

If the initial prior steps in this process are somewhat mechanical, this is the point of the process that is more on the art side. The analyst will leverage and overlay context on the data. This context is knowledge on the topical area acquired through experience, research, colleagues, and training (some examples are knowledge of historical patterns, regional norms, group hermeneutics, etc.). At this point, the information will be examined to determine if there are any relevant areas that require additional and/or more specific data. These identified gaps will be highlighted and further processed and disseminated to operational entities in the form of collection requirements or information needs (formal or informal collection taskings to field elements).

At this point in the process, the analyst combines the collective body of information received in the previous steps and makes a formal judgment. These judgments or assessments may be on the likeliness that an organization is to conduct an attack or if an entity has interest in gaining a certain capability. The significance of the remaining gaps or to what extent the information can be corroborated will determine the overall confidence level of the assessment.

Once the information is supported by supplemental information, context, and an assessment, determination on classification is required. During the analysis process, pieces of information that are reviewed together at times become more sensitive than the sum of the individual data components. The sensitivity could cause previous unclassified information to be elevated to a higher classification which may restrict or alter the

dissemination process.¹⁵⁹ The final classification will determine who the recipients of the intelligence will be. (Figure 2 generally describes the process for converting information to intelligence)¹⁶⁰

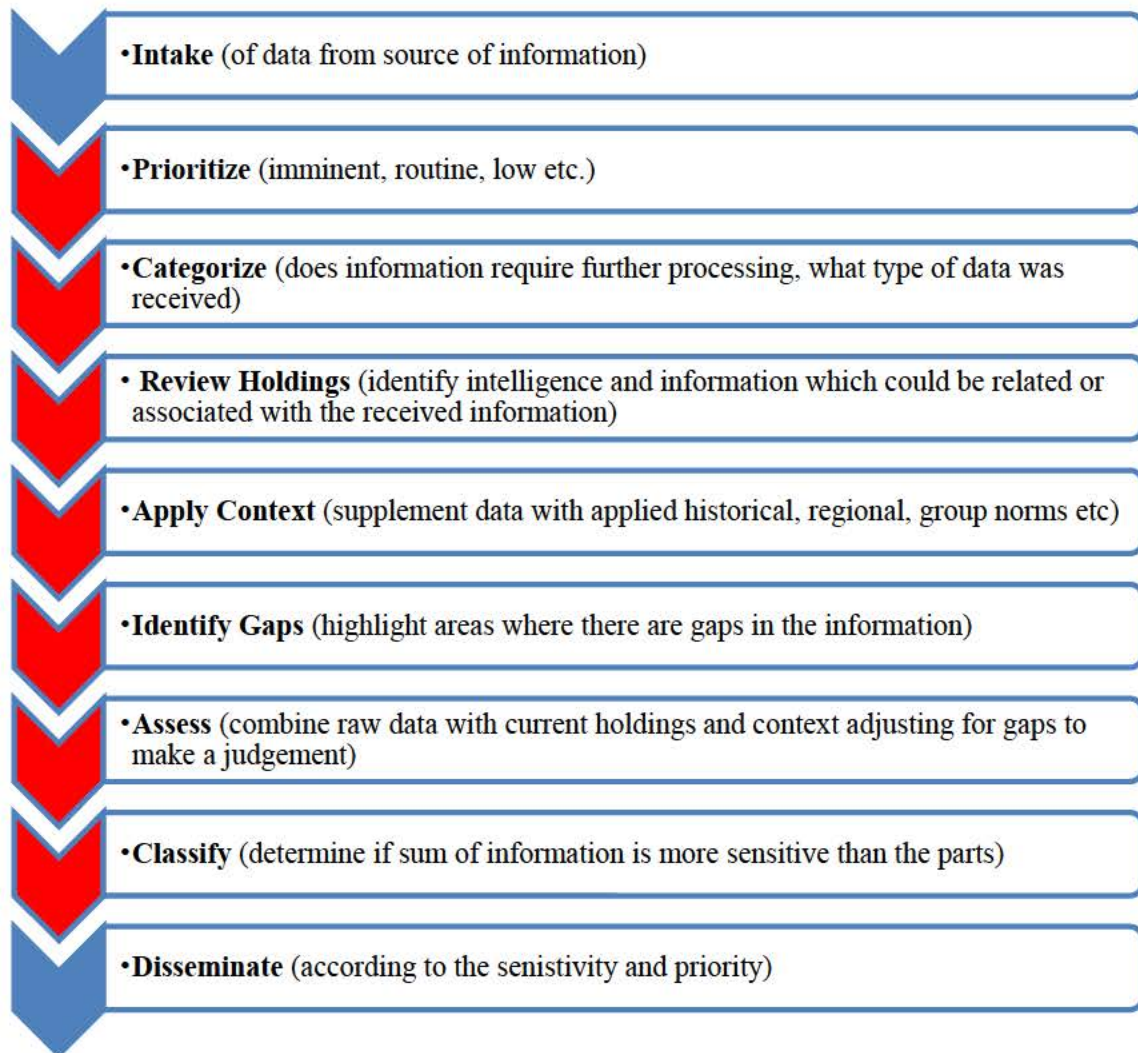


Figure 2. Information to Intelligence Conversion Process

159. Because fusion centers are owned and operated by state, local, tribal, and/or territorial entities they are not authorized to formally apply a national security classification such as Confidential, Secret, or Top Secret to products. They do routinely apply handling caveats to intelligence such as Sensitive But Unclassified, Law Enforcement Sensitive, and/or For Official Use Only.

160. Intake and disseminate are part of intelligence processing and are significant elements of information sharing as described in Chapter V.

B. CRITICISMS

Second to only privacy complaints (which will be discussed in Chapter VII) analysis seems to be a significant issue. Not unlike the organizations that comprise the intelligence community, the Network has received many complaints and criticisms concerning fusion centers' ability to conduct analysis. Many organizations who have consumed products generated by the Network have voiced negative opinions about the quality of analytical products.

Queries conducted by the Rand Corporation with state and local law enforcement found that a majority of analytical products produced by the Network were not of high intelligence value.¹⁶¹ The greatest complaints appear to be that much of the intelligence provided was viewed as not able to inform immediate operations. The report mentioned that the view that federal products getting passed through the Network were also of no immediate operation value and were merely a weak attempt at sharing information. The study cited claims that the general view of participants was that 24 of 77 fusion centers were performing well. No specific data was provided or specific criteria was identified that was used by the participants to aid in the determination of effective or ineffective performance.¹⁶²

In a review of national security and law enforcement initiatives, the Brennan Center found that the fusion centers produce, at best, inconsistent intelligence products, and at worst, poor quality.¹⁶³ They contributed this largely due to weak analytical standards as well as other factors, such as lack of oversight and a decentralized structure. They also conclude that many post-911 initiatives' (including the Network) rates of growth have out-paced the government's ability to provide oversight and ability to ensure organizations are accountable for their activities.¹⁶⁴

161. Brian Michael Jenkins, Andrew Liepman, and Henry H. Willis, *Identifying Enemies among Us* (Washington, DC: Rand Corporation, 2014), http://www.rand.org/content/dam/rand/pubs/conf_proceedings/CF300/CF317/RAND_CF317.pdf, 8–9, 12.

162. Ibid.

163. Price, *National Security and Local Police*, 17–18.

164. Ibid.

A 2012 Senate report listing the findings from an investigation on DHS and the Network claimed that intelligence products produced by fusion centers was of little help to federal counterterrorism efforts.¹⁶⁵ While focusing mostly on data reported out by the Network, it cited a wide variety of concerns ranging from P/CRCL to information value. The report indicated that some Network products provided intelligence that was of little or no value.¹⁶⁶ The criticisms against the Network's capability to conduct analysis are widespread, but those commenting appear to make the same general subjective statements.

C. ANALYSIS

Almost as basic to the Network as the information sharing function, conducting analysis of reporting and data is key to a fusion center's operation. Analysis comprises critical operating capability (COC) 2 and is a necessary function that a fusion center must execute to convert information to intelligence.¹⁶⁷ The Network organizations may differ on analyst staffing levels, but each fusion center conducts some form of analysis.

The need for fusion centers to address and continually make improvements to this core function is essential to the Network's strategic goal to be viewed as analytical centers of excellence. If efforts in this area are ignored, individual fusion centers risk the perception that they are unable to execute their mission. Perceptions that the Network cannot conduct analysis of value could cause adjacent agencies to be less likely to continue to contribute raw data to fusion centers. A reduction of fusion centers' intake of information would subsequently result in the Network being unable to create any original analysis to the extent that the Network's status in COC 2 decreases.

A common adage in the Intelligence Community (IC) is that analysis is more of an art than a science. In spite of frameworks, guidelines, and common training, the core of analysis is providing context and ultimately making judgments. It is not a rarity if two analysts reviewing the same information and intelligence come up with two different

165. U.S. Senate, *Federal Support for and Involvement*, 83, 96.

166. *Ibid.*, 31–32, 35.

167. U.S. Department of Homeland Security, "Annual Fusion Center Assessment."

forecasts about an event. In most cases, these assessments would be slightly different and not have findings that are polar opposites. The Network is not alone in receiving criticisms on the quality of its analysis. Policymakers and consumers of analytical products have commonly voiced their frustration with analysis at the IC.¹⁶⁸ Often analysis is criticized for being too general or nebulous to directly inform operations.¹⁶⁹ In other cases, analysis is viewed as not being timely enough or making judgments on what the consumer deems is common knowledge.¹⁷⁰ Generally, these complaints are founded in reality, but often times, they are due to unrealistic expectations or lack of understanding that strategic intelligence is intended to aid the consumer in long range decision making.

The 2012 *Final Report* on the Network found a slight increase over the 2011 report on the Network's ability to conduct analysis.¹⁷¹ Seventy-four fusion centers were able to achieve 10 of the 11 attributes used to measure COC 2.¹⁷² One hundred percent of the centers involved in the report were found to have conducted analytical assessments on a variety of activities in their areas of responsibility in all but one center contributed to vulnerability assessments.¹⁷³ Many of the other attributes were obtained by an overwhelming majority of the centers. The one outlier of the findings in this category was the Network's ability to contribute to a nation-level risk assessment which only forty-one fusion centers achieved.¹⁷⁴ This attribute increased to 49 centers contributing in 2013.¹⁷⁵

Collectively, the 2011, 2012, and 2013 final reports largely paint a positive picture of the analytical capabilities of the Network, but negative perceptions may stem from a breakdown of communications between fusion centers and stakeholders and/or

168. Maurice R. Greenberg and Richard N. Haass, *Making Intelligence Smarter: The Future of U.S. Intelligence* (Washington, DC: Council on Foreign Relations, 1996), <http://fas.org/irp/cfr.html>.

169. U.S. Senate, *Federal Support for and Involvement*, 32.

170. *Ibid.*, 40.

171. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 15–17.

172. *Ibid.*, 15.

173. *Ibid.*

174. *Ibid.*

175. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 34.

customer expectations. As mentioned above, the perception that the Network is unable to conduct analysis is usually communicated in very generic manners. The most specific criticisms of this category appear to normally be stressed in general consumer frustration, such as “your products are of low value.” These types of comments are not very helpful to the authors who are interested in knowing what specifically made the product poor. While about 86 percent of the Network had a feedback mechanism, there is no data to suggest the rate of responses from consumers.¹⁷⁶ The *2012 Final Report* focused solely on the absence or presence of this mechanism so a value judgment is difficult to determine.¹⁷⁷

As mentioned previously and witnessed in criticisms against analysis conducted in the IC, some of the negative perceptions on the Network’s ability to conduct analysis could be due to few factors.¹⁷⁸ A lack of understanding of the intelligence process, intelligence analysis, and the purposes of strategic intelligence by some stakeholders consuming the Network’s intelligence products may be confounding useful feedback. Many of the Network’s partners who review their analysis are not traditional consumers of intelligence products. Even in the law enforcement community where crime analysis is routinely conducted there does not appear to be much of a distinction between the two types of analysis. Crime analysis tends to focus on historical statistics to gauge performance of an organization or initiative. This type of analysis often has a more defined data set measure relying on Uniform Crime Reporting or on similar concrete categories.¹⁷⁹ The familiarity and understanding of crime analysis from partners may be causing an erroneous projection of similar solid and tactical expectations from the strategic products of the Network.

176. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 17.

177. Ibid.

178. Andrew Becker and G. W. Schulz, “Homeland Security Office Creates Intelligence Spam Insiders Claim,” The Center for Investigative Reporting, September 5, 2011, <http://cironline.org/reports/homeland-security-office-creates-intelligence-spam-insiders-claim-2915>.

179. “Uniform Crime Reports,” Federal Bureau of Investigation, accessed April 19, 2014, <http://www.fbi.gov/about-us/cjis/ucr/ucr>.

Along the lines of providing specific feedback to the Network, one item where there appears to be limited or no data and further research could be warranted is how consumers have attempted to communicate their standing information needs (SIN) and intelligence requirements. Information/intelligence requirements allow an organization to communicate with its customer base the items that it deems priority or essential to the organization's ability to fulfill its responsibilities. Ideally, a fusion center's SIN reflect the items that are relevant to the homeland security enterprise, its leadership, as well as its customer base. Seventy-six percent of the Network was identified as having developed SIN.¹⁸⁰ While the development of fusion center SIN is commendable currently only thirty-four percent of fusion centers align their products to these SIN.¹⁸¹ Approximately half of the Network was identified as engaging various disciplines comprising its stakeholder groups in the creation or update of their SIN.¹⁸²

Continued training would allow the Network to maintain and expand its ability to conduct analysis.¹⁸³ The development of an analyst certification program would help professionalize the fusion center analyst field and provide a career development path. Expansion of the SIN requirements to further encourage the Network to involve stakeholders in review and updates to SIN would help in educating partners on the intelligence process. Furthermore, it would provide the opportunity to recalibrate the direction of the fusion center's local/region focus if needed.

180. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 20.

181. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 68.

182. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 20.

183. "Criminal Intelligence Training Master Calendar," U.S. Department of Homeland Security, accessed July 26, 2014, <http://mastercalendar.ncirc.gov/default.aspx>.

V. INFORMATION SHARING

A. ELEMENTS

This chapter discusses the category of information sharing which consists of the ability to inform and connect partner agencies with information to guide operations and decision making. As previously mentioned, fusion centers were essentially created to fill a perceived gap in the sharing of information between federal and state, local, tribal, and territorial (SLTT) levels of government. The 9/11 attacks may have been the driving factor that put a spotlight on this deficiency, but organizations (especially law enforcement and intelligence entities) had historically struggled with the exchange of information between agencies that had a culture that viewed information compartmentalization as a necessary protocol for operations security (OPSEC).

Sharing of information touches on three of the COCs (receive, disseminate, and gather) and is viewed as a cornerstone activity that the Network needs to execute in order to carry out its duties.¹⁸⁴ In essence, each fusion center acts as an information hub in its area of operations. Partnering agencies that are involved with operations and information that has relevance to homeland security provide data to the fusion centers. The fusion centers process this information and help the information provider determine if and to whom the information needs to be distributed to.

There are many ways in which the Network executes its information sharing responsibilities between all levels of the government, private sector, and the citizenry. A few generic examples of how information sharing is routinely conducted by the Network depicting reception, dissemination, and gathering, are provided below.

1. Information Sharing Example One

A local law enforcement agency (LEA) encounters a subject involved in what they deem as a suspicious activity with homeland security implications. The LEA then processes the information in accordance with its internal applicable standing operating

184. U.S. Department of Homeland Security, "Annual Fusion Center Assessment."

procedures. The information is then provided to the fusion center for situational awareness or in order to query the fusion center for more information on the subject. The fusion center identifies that the subject has ties to other jurisdictions and provides the information to these jurisdictions either directly (in the case that the jurisdiction falls under that fusion center's area of operations) or indirectly (in the case that the jurisdiction falls outside of the fusion center's area of operations) via another fusion center. This process helps ensure that the relevant information is known to the concerned jurisdictions.

2. Information Sharing Example Two

A public safety organization observes an activity deemed to have potential homeland security implications. This information is shared with the fusion center that has responsibility in the region. As in the above example, the fusion center processes the information and disseminates this information with the LEA who has jurisdiction over the area of activity. This LEA conducts activities or investigates the suspicious activity and reports the outcomes or findings back to the fusion center.

Essentially this process is a two-way communication between the Network and its partners. The fusion center acts as the connective tissue for agencies and organizations which may not otherwise interact. The federal law enforcement and intelligence IC have adopted the Network as single points of contact to distribute information and intelligence. In the same manner, these entities utilize the Network as a tool that can be leveraged to lawfully gather domestic information of value to National Security. (Figure 3 depicts one theoretical example of information flow up to and through a fusion center.)



Figure 3. Information Flow (Bottom Up)

B. CRITICISMS

Generally speaking, there is an expectation from the citizenry and private sectors for government organizations involved with law enforcement and intelligence missions to appropriately share information in a manner which aids in the defense of the homeland. That said, there have been criticisms raised about the process, the manner, and the amount of information that the Network has shared. At times, concerns about with whom the information has been shared with has been the subject of concern. (This is discussed more in Chapter VII).

In a report reviewing the sharing of information concerning terrorism and suspicious activity reports (SAR), the Congressional Research Service (CRS) cited some areas where the Network's performance was assessed as subpar.¹⁸⁵ It mentioned that while fusion centers may have excelled in the area of dissemination of products, the fusing of so many data systems has caused unnecessary redundancies. These redundancies may also lead to confusion and complicate the consumer's effort to determine what information was relevant. Furthermore, the wide dissemination of information sometimes seen as duplicative may be overwhelming the recipient of the information. As mentioned in Chapter IV, quality of the information shared was raised as well.¹⁸⁶

The GAO reviewed the same topics and produced a report that raised similar to those of the CRS report and also additional criticisms.¹⁸⁷ Surveys conducted with officials associated with the Federal Bureau of Investigation (FBI) resulted in the opinion that some terrorism-related information was not being disseminated from the Network to its organization. The GAO report also mentioned the concern that in some cases, fusion centers were investigating the information prior to sharing it with the FBI.¹⁸⁸ A 2014 Rand study generically mentioned that there were regions where fusion centers were not

185. Bjelopera, *Terrorism Information Sharing*.

186. *Ibid.*, 16.

187. U.S. Government Accountability Office, *Information Sharing: Additional Actions*; Bjelopera, *Terrorism Information Sharing*.

188. U.S. Government Accountability Office, *Information Sharing: Additional Actions*, 15–17.

providing information to adjacent police departments.¹⁸⁹ These are valid concerns because delay in sharing of this information to the FBI and federal government could put the nation at risk of an attack or diminish the federal government's ability to determine if activities observed in one jurisdiction are connected to activities in another area of the U.S. or international landscape.

In some cases, concerns over the timeliness of information has been discussed. A Senate review of 13 months' worth of DHS reports from fusion centers found that in general, the information provided was untimely and duplicative.¹⁹⁰ Some of the information was found to have already been shared and processed through other governmental channels.¹⁹¹ It is important to note that this reporting review was looking at information processed through DHS and had other findings indicating that internal DHS processes were negatively impacting the timeliness of reporting.¹⁹²

C. ANALYSIS

The Network appears to vigorously perform its information sharing mission utilizing various methods, but perceptions to the contrary are not without merit. Fusion centers produce an array of intelligence and information products that they distribute across the nation. Many of these products are in the form of bulletins and reports, but they also regularly provide briefings, presentations, and verbal communications to their stakeholders.

In order to survive in any capacity, the Network has to address these information sharing criticisms directly and combat any opposition to its ability to perform this function. Increases in perceptions that the Network cannot or does not share will impact the centers through support, staff, funding, collection, coordination, and various other ways. Organizations in general and especially those in the law enforcement discipline will not share with an organization they perceive will not return the favor. From a

189. Jenkins, Liepman, and Willis, *Enemies among Us*, 9.

190. U.S. Senate, *Federal Support for and Involvement*, 3.

191. *Ibid.*

192. *Ibid.*, 23.

Congressional and state standpoint, funding for an organization that was created to manage information flow would cease. Parent organizations would most likely implement major restructure or reduce staff in this case as well.

The 2012 Final Report found that while the Network rating of COC 3 (disseminate) received the lowest overall rating as compared to all of the other COC categories, this category was the most improved from 2011.¹⁹³ This indicates that the Network is increasingly implementing measures to improve their sharing of information with stakeholders. Between 2011 and 2012, a 16 point increase to 95 percent was recorded in the final reports concerning fusion centers with established policies that address timely dissemination of information to stakeholders.¹⁹⁴ The 2013 report found continued improvement in this category as well to 96 percent.¹⁹⁵

Areas where there appears to be continued shortfalls are in a fusion center's ability to verify whether products and communications are being received by their customers. This is a key factor that can contribute to uneven perception in this area. The Network may view that it is routinely communicating successfully with its stakeholders, but only 45 percent even have the ability to confirm product delivery.¹⁹⁶ There is currently no data available that indicates if any of the fusion centers with this ability have actually attempted to evaluate the rates of product reception nor what percentages of reception have been recorded. Ironically, SLTT partners have voiced their opinions that product feedback was important in determining if their information was of value.¹⁹⁷ If feedback was viewed as a priority element, one of the first steps in facilitating a feedback mechanism might be to confirm that information was being received by stakeholders.

Perceptions that the Network does not share all terrorism information with the FBI and at times, may open up investigations prior to sharing with the federal

193. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*, 17; U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 42.

194. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*, 17; U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 19.

195. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 42.

196. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 18.

197. U.S. Government Accountability Office, *Information Sharing: Additional Actions*, 13.

government, may be difficult to overcome. The FBI is the lead federal law enforcement agency responsible for investigating cases involving terrorism.¹⁹⁸ While there are many differing agency definitions of terrorism, most agencies view terrorism as nefarious activities involving the intent to intimidate, coerce, or retaliate against the U.S. government. The FBI's designation as the primary investigating agency in the terrorism category potentially puts the organization at odds with the Network whose primary responsibility is to collect, identify, analyze, and disseminate information (which includes items associated with terrorism).

SAR information that is received by the Network may not be initially flagged as associated with terrorism. This information may be processed under normal fusion center protocols and goes through a vetting process. In the case of fusion centers with investigative capabilities, part of this vetting process may involve conducting a formal or preliminary investigation. During this vetting process it may be determined that the SAR is associated with indicators of terrorism. At that point the information is disseminated to federal agencies to include the FBI and DHS. In this instance, the information sharing process would have worked as designed from the perspective of the Network. The FBI could view the process for this example as the fusion center over-stepping its authorities.

In spite of concerns about the Network's ability or willingness to provide information to the U.S. government, fusion centers appear to be increasingly gathering and disseminating information through the Nationwide Suspicious Activity Report Initiative (NSI). The NSI is a DHS-led, collaborative program with federal and SLTT partners that provides training, technology, and processes for the collection, identification, analysis, and data management of SAR information.¹⁹⁹ A 2013 GAO report on information sharing found that NSI participants (of which the Network is the

198. Jerome P. Bjelopera, *The Federal Bureau of Investigation and Terrorism Investigations* (CRS Report no. R41780) (Washington, DC: Congressional Research Service, 2013), <http://fas.org/sfg/crs/terror/R41780.pdf>, 1.

199. "Nationwide SAR Initiative," U.S. Department of Homeland Security, accessed July 27, 2014, <http://nsi.ncirc.gov/?AspxAutoDetectCookieSupport=1>.

main contributing entity) have increased their reporting contributions 750 percent (3,256 to 27,855) from the beginning of 2010 to the fall of 2012.²⁰⁰

There is currently no data to identify how many reports that met the reporting threshold that were processed by the Network may have been withheld from NSI. However, the significant increase in dissemination supports the assessments of increases in the Network's ability to execute COC 3 (disseminate) detailed in the 2011, 2012 and 2013 Network reports.²⁰¹ This upsurge in dissemination also suggests a greater willingness by fusion centers to provide SAR data to the federal government if there ever was any reluctance to do so.

As stated in the arguments portion of this chapter, numerous criticisms have been communicated indicating that the Network produces massive amounts of information which is of little value. The GAO found that opinions from a sampling of Joint Terrorism Task Force (JTTF) officials indicated SAR reporting does not in fact cause a flood of useless information.²⁰² DHS I&A reviewed 3044 SAR inputs spanning the 2007 to 2011 time frame and determined that 69 percent of the reports were of value. Furthermore, SAR data contributed to the initiation of 1,200 FBI terrorism investigations between 2010 and 2012 indicating a 75 percent increase over the reporting period.²⁰³

The ISE's functional standard documents the reporting threshold for SAR and defines behaviors that could indicate pre-operational planning of terrorism or other criminal activity. (Table 3 and Table 4 identify the behavior categories that represent the criteria guidance for SAR.)²⁰⁴ The NSI requires the use of the ISE functional standard

200. U.S. Government Accountability Office, *Information Sharing: Additional Actions*, 33–34.

201. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*; U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*; U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*.

202. U.S. Government Accountability Office, *Information Sharing: Additional Actions*, 15.

203. *Ibid.*, 15, 33–35.

204. Information Sharing Environment, *Information Sharing Environment Functional Standard Suspicious Activity Reporting Version 1.5* (Washington, DC: Office of the Director of National Intelligence, 2009), https://www.ise.gov/sites/default/files/ISE-FS-200_ISE-SAR_Functional_Standard_V1_5_Issued_2009.pdf.

criteria for inputting SAR data into the system.²⁰⁵ The functional standard could actually be cause for some of the information sharing criticisms due to misalignment of the functional standard with other agency threshold for terrorism reporting. FBI headquarters officials have previously voiced concerns that their investigation guidelines are broader than the functional standard's criteria in areas specifically related to terrorism financing and subject location.²⁰⁶ The narrower criteria as defined in the functional standard may be causing the unintended consequence of preventing limited SAR information from being shared beyond the source organization.

DEFINED CRIMINAL ACTIVITY AND POTENTIAL TERRORISM NEXUS ACTIVITY	
Category	Description
Breach/Attempted Intrusion	Unauthorized personnel attempting to or actually entering a restricted area or protected site.
Misrepresentation	Presenting false or misusing insignia, documents, and/or identification, to misrepresent one's affiliation to cover possible illicit activity.
Theft/Loss/Diversion	Stealing or diverting something associated with a facility/infrastructure.
Sabotage/Tampering/Vandalism	Damaging, manipulating, or defacing part of a facility/infrastructure or protected site.
Cyber Attack	Compromising, or attempting to compromise or disrupt an organization's information technology infrastructure.
Expressed or Implied Threat	Communicating a spoken or written threat to damage or compromise a facility/infrastructure.
Aviation Activity	Operation of an aircraft in a manner that reasonably may be interpreted as suspicious, or posing a threat to people or property.

Table 3. ISE SAR Criteria Guidance: Defined Criminal Activity and Potential Terrorism Nexus Activity²⁰⁷

205. "About NSI," Nationwide SAR Initiative, accessed April 11, 2014, http://nsi.ncirc.gov/about_nsi.aspx.

206. U.S. Government Accountability Office, *Information Sharing: Additional Actions*, 15.

207. Information Sharing Environment, *Information Sharing Environment Functional Standard*.

POTENTIAL CRIMINAL OR NON-CRIMINAL ACTIVITY REQUIRING ADDITIONAL FACT INFORMATION DURING INVESTIGATION	
Category	Description
Eliciting Information	Questioning individuals at a level beyond mere curiosity about particular facets of a facility's or building's purpose, operations, security procedures, etc., that would arouse suspicion in a reasonable person
Testing or Probing of Security	Deliberate interactions with, or challenges to, installations, personnel, or systems that reveal physical, personnel, or cyber security capabilities.
Recruiting	Building of operations teams and contacts, personnel data, banking data or travel data.
Photography	Taking pictures or video of facilities, buildings, or infrastructure in a manner that would arouse suspicion in a reasonable person.
Observation/Surveillance	Demonstrating unusual interest in facilities, buildings, or infrastructure beyond mere casual or professional interest such that a reasonable person would consider the activity suspicious.
Materials Acquisition/Storage	Acquisition and/or storage of unusual quantities of materials such that a reasonable person would suspect possible criminal activity.
Acquisition of Expertise	Attempts to obtain or conduct training in security concepts or capabilities such that a reasonable person would suspect possible criminal activity.
Weapons Discovery	Discovery of unusual amounts of weapons or explosives that would arouse suspicion in a reasonable person.
Sector-Specific Incident	Actions associated with a characteristic of unique concern to specific sectors, with regard to their personnel, facilities, systems or functions.

Table 4. Potential Criminal or Non-criminal Activity Requiring Additional Fact Information During Investigation²⁰⁸

208. Ibid.

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VI. MISSION

A. ELEMENTS

The attacks on 911 encouraged the change of our domestic security landscape and what we assess as our greatest threats to the homeland. Public opinion and IC assessments ensured the ascension of terrorism prevention to one of the nation's top priorities of the *National Security Strategy*.²⁰⁹ The overwhelming focus on terrorism prevention and response drove the reorganization and reprioritization of many existing agencies, such as the Central Intelligence Agency (CIA) and the FBI. These factors also spurred the creation of entities such as the Office of the Director of National Intelligence (ODNI), DHS, as well as fusion centers.

As discussed previously, the Network was originally thought to be able to supplement national law enforcement and IC efforts to protect the homeland. The Fusion Center guidelines generally define fusion centers as organizations composed of multiple agencies that possess resources and expertise that will enhance homeland defense. The value proposition relies on the ability of the Network to identify, deter, investigate, and counter criminal and terrorist activity.²¹⁰

Like many of the other components of this federation of fusion centers, individual organizational mission statements are unified by the spirit of this strategic functional view. However, they differ in their interpretation of what activities fall into their scope of responsibilities. This chapter examines the varying opinions concerning the mission space of the Network.

While there are 78 fusion centers with as many different mission statements, they can each be categorized into three different general types: terrorist threat focused, terrorist and criminal threat focused (all-crimes), and all threat focused (all-hazards). These differences in the fusion center's angles of aperture concerning homeland security

209. Office of the President of the United States, *The National Security Strategy of the United States of America*.

210. Global Justice Information Sharing Initiative, U.S. Department of Homeland Security, and Department of Justice, *Fusion Center Guidelines*, 9.

have contributed to negative perceptions of the Network because it may foster the appearance that the Network is not unified.

The Statewide Information and Analysis Center (SIAC) based in Sandy, Utah lists its mission as “a public-safety partnership designed to collect, analyze, and disseminate intelligence in order to protect Utahans.”²¹¹ While the SIAC’s mission does not explicitly lend to an easy categorization of its mission and appears to generally support those items highlighted in the Baseline Capabilities guidelines, it essentially falls into the all-crimes category due to its support functions.²¹² The SIAC executes its mission conducting analysis of criminal activities falling into the categories of: organized crime, gang, fraud, counter-narcotics, as well as counter-terrorism. Each are in line with many of the traditional criminal activity categories.²¹³

The New Mexico All Source Intelligence Center (NMASIC) based in Santa Fe, New Mexico appears to derive its mission from its parent organization, the New Mexico Department of Homeland Security and Emergency Management.²¹⁴ The NMASIC lists border, criminal, and terrorist threats as being under the organization’s purview indicating an all-crimes focus.²¹⁵ Further examination of NMASIC’s self-identified responsibilities indicates that the organization holds a counterterrorism focus of operations. This fusion center describes its role as a “central point in New Mexico for the collection, analysis, and timely dissemination of terrorism-related information.”²¹⁶ NMASIC also refrains from addressing specific criminal activities in its objectives.²¹⁷

The Louisiana State Analytical and Fusion Exchange (LASAFE) based in Baton Rouge, Louisiana mentions that its focus areas concern criminal and terrorist activities as

211. “Statewide Information and Analysis Center,” Utah Department of Public Safety, accessed July 26, 2014, <http://publicsafety.utah.gov/investigations/siac.html>.

212. Global Justice Information Sharing Initiative, U.S. Department of Homeland Security, Bureau of Justice Assistance, *Baseline Capabilities*.

213. Utah Department of Public Safety, “Statewide Information and Analysis Center.”

214. “Intelligence and Security,” New Mexico Department of Homeland Security and Emergency Management, accessed July 26, 2014, http://www.nmdhsem.org/Fusion_Center.aspx.

215. Ibid.

216. Ibid.

217. Ibid.

well as natural disasters and events.²¹⁸ As well as mentioning the former activities, the LASAFE mentions that it “will support the state during major disasters and emergencies by gathering, analyzing, and disseminating information to assist relevant agencies.”²¹⁹ The LASAFE’s all-hazards approach is most likely due to the historic widespread impacts that hurricanes have had in the region. The operating environment in Louisiana appears to be the driving influence of its evolution to the all-hazards mission.

In his examination of the future of LEA surveillance operations, Torin recognizes the counterterrorism role of the Network and compares it with intelligence-led policing efforts underway in many LEAs.²²⁰ He also cites the “expansion” of the Network’s mission space into the realm of all-hazards threats. This expansion of mission from terrorism to all-hazards is attributed to fusion centers attempting to align themselves with DHS priorities in order to justify application of DHS grant funding for operations.²²¹ Whether motivated by perceived funding requirements, prevalent threats in the operating environment, or simply pre-existing organizational relationships (or lack thereof), the Network has experienced an organization in which different segments have viewed their responsibilities as more encompassing than others.

B. CRITICISMS

Some critics of the varied mission sets of the Network hold the opinion that the original intent behind the development of fusion centers was to prevent another 9/11 event or similar incident perpetrated by a terrorist group. These same individuals feel that fusion centers should share the belief that terrorism is the primary and sole responsibility of their organizations and the Network. Others have concerns that an expansion of the mission space beyond terrorism dilutes the Network’s ability to support the national efforts to counter terrorism.

218. “Mission Statement,” Louisiana State Analytical and Fusion Exchange, accessed July 26, 2014, <http://la-safe.org/mission.html>.

219. Ibid.

220. Torin Monahan, “The Future of Security Surveillance Operations at Homeland Security Fusion Centers,” *Social Justice* 37, no. 2–3 (2010–2011): 84–98, http://www.antoniocasella.eu/nume/TorinMONAHAN_2011.pdf.

221. Ibid., 85.

Taylor and Russell question the SLTT focus on terrorism.²²² They speculate that most LEAs have continued to direct their resources on issues that assist in combating criminal activities. They claim that typical analysis generated by a fusion center revolves around advanced crime analysis, citing the charting of drug trafficking organizations, stolen property, and human trafficking as examples. Assertions are made that much of the Network's contributions focus on specific jurisdictional crime reduction efforts or supporting local police leadership's requests for statistical data. They also state that many of the fusion centers have evolved into emergency response centers. In conjunction with these issues, they also express concerns that much of the Network has lacked strategic focus and has embraced a tactical bend to operations and analysis.²²³

The Senate Permanent Subcommittee on Investigations voiced its displeasure with what it claimed was the Network's lack of priority on terrorism.²²⁴ In its survey of 62 fusion centers in 2010, it found that 25 fusion centers had no mention of terrorism in their mission statements. The subcommittee's findings also revealed that five of the centers had adjusted their missions to highlight public safety elements and de-emphasized counterterrorism.²²⁵

In their study of the Network and post 911 security organizations, Monahan and Regan argue that fusion centers have strayed from the intended focus on terrorism to all-crimes.²²⁶ They claim that the current priority focus on traditional crime is influenced by the organization's ability to obtain operational funding from state and local coffers. They do offer the possibility that some criminal activities could be precursor events to terrorism.²²⁷ The Brennan Center for Justice also expressed concerns about the

222. Taylor and Russell, "Failure of Police Fusion Centers."

223. *Ibid.*, 186.

224. U.S. Senate, *Federal Support for and Involvement*, 93.

225. *Ibid.*

226. Monahan and Regan, "Zones of Opacity," 303.

227. *Ibid.*, 303–304.

Network's mission space. Its report describes the Network's mission as "not uniform or particularly defined."²²⁸

The House Committee on Homeland Security defines the mission of the Network as much broader than counterterrorism.²²⁹ In its *Majority Staff Report on the National Network of Fusion Centers*, it highlights that one of the Network's positive attributes is its independence from the federal government and unique subject matter expertise. The report refers to the Network's responsibilities as supporting "the National homeland security mission, which includes counterterrorism" indicating that fusion centers should not exclusively focus on terrorism. The subcommittee did comment that there is an uneven focus across the Network concerning terrorism analysis. It also point outs that there currently is not an adequate measurement to determine how well the Network is performing its counterterrorism mission.²³⁰

C. ANALYSIS

The Network's varying interpretation of its mission set stems from the different political pressures, environmental impacts, and perceived threat priorities unique to each jurisdiction. Fusion centers that view their mission as one that encompasses the all-hazards approach may reside in areas where their regions have experienced significant environmental threats and/or are closely organizationally aligned with their jurisdiction's emergency management agencies. Those fusion centers that have taken the all-crimes approach may have experienced the pressures to perform more regular services to SLTT public safety entities in order to justify funding and/or hold the perspective that criminal activities precede and coincide with terrorist activities.

The category of mission-space has the potential of causing negative secondary effects if measures are not taken by the Network to address the criticisms. On one hand, narrowing the mission area for every fusion center to focus solely on terrorism may actually degrade the Network's overall capability. Singular focus on terrorism would

228. Price, *National Security and Local Police*, 17.

229. U.S. House of Representatives, *Majority Staff Report on Fusion Centers*, iv.

230. *Ibid.*, iv–v.

most likely contribute to a decline in staff detailed from outside agencies that perceive that terrorism is not their primary mission. State and local agency provided funding could also diminish for a similar reason: the common beliefs that counter terrorism efforts are the primary responsibility of the federal government. On the other hand, the migration towards an all-hazards focus carries with it some risk to the Network unless there is active engagement by the Network to address the discourse on this topic. Federal funding that commonly supports the Network was originally intended to support counterterrorist operations and could be withdrawn unless there is a common understanding of the mission landscape.

Many external observers of the Network who may have issue with the differing administrative organizations which were described in Chapter III also have concerns with the mission-sets for similar reasons. The belief that the Network is one seamless entity with a centralized organizational structure with identical missions is not rare or uncommon. This perception is likely due to the lack of complete understanding of the Network's composition—that the organization is more of an umbrella entity that encompasses many organizations. Along the same lines, those criticisms do not often appear to consider the varying operating environments or priority threat actors of a given area of operations which have led to these different mission-sets.

DHS OIG investigated the relationships between the Network and emergency operations centers (EOC) in 2011 and offered recommendations to enhance future collaboration between the two entities.²³¹ The report cited how DOJ and DHS felt that in the event of a crisis disaster (whether man-made or natural), intelligence needs to be accessible to response/recovery agencies and response coordinating bodies, such as EOCs. They recognized that DHS lacks the authority to compel the Network to adopt a specific approach and communicated concerns that an all-crimes centric mission may deter coordination with response and preparedness organizations. In their findings, they assessed that a majority of the network was focused on law enforcement (LE) concerns and did not necessarily put a premium on the all-hazards focus. Their research also

231. U.S. Department of Homeland Security, Office of the Inspector General, *Relationships between Fusion Centers*.

indicated that fusion centers that are co-located with EOCs and sharing reporting authorities are more likely to have a higher level of collaboration and integration.²³² This reporting agency supports the idea of an all-hazards model and stresses concerns about what is perceived as an overly LE-centric focus.

Many centers migrated or were established with broader responsibilities than terrorism by design. Some thoughts communicated by law enforcement officers (LEO) have been that terrorism or terrorist activities do not happen in the United States with enough frequency to keep the Network fully engaged on a continuous basis.²³³ Terrorism may be one of the national priorities, but it may be viewed by many as a high impact low probability event.

This perception of terrorism stems from the images of the 911 attacks, the 2005 London bombings, the 2004 Madrid bombings, and other catastrophic events.²³⁴ These major attacks act as the reference point for a typical American's thoughts of what a terrorist attack is and anything less than a major attack may not register as a terrorist event. The above-mentioned examples do not represent the vast majority of terrorist activities that are observed in the United States and around the globe. A majority of terrorist activities in the United States have been low-level events against property or equipment (in the case of anarchist, animal, and environmental extremists).²³⁵

Often times, these more frequent terrorist attacks do not make it on the front page of a local newspaper or are not even categorized as a terrorist attack. Many would be surprised that affiliates of the Animal Liberation Front and the Earth Liberation Front conducted approximately 239 terrorism attacks between 1995 and 2010 alone.²³⁶

232. Ibid.

233. Price, *National Security and Local Police*, 20.

234. "7 July Bombings," *BBC News*, accessed April 23, 2014, http://news.bbc.co.uk/2/shared/spl/hi/uk/05/london_blasts/what_happened/html/; Tom Burridge, "Spain Remembers Madrid Train Bombings 10 Years On," *BBC News*, March 11, 2014, <http://www.bbc.com/news/world-europe-26526704>.

235. Simon Rogers, "Four Decades of U.S. Terror Attacks Listed and Detailed," *The Guardian*, April 17, 2013, <http://www.theguardian.com/news/datablog/2013/apr/17/four-decades-us-terror-attacks-listed-since-1970>.

236. Steven Chermak et al., *Bombing and Arson Attacks by Environmental and Animal Rights Extremists in the United States, 1995–2010* (College Park, MD, University of Maryland, 2013), 1–2.

Analysis and investigation of these types of events may start with an arson investigation or reporting of defacement of property. In the examples of arson and property damage, it is likely these would be initially reported in line with regular criminal activities. A fusion center executing an all-crimes mission may be more likely to be the recipient of like reporting from the field over a center that is marketed strictly as terrorism focused entity.

Many leaders hold the opinion that the amount of instances of traditional criminal activity dwarfs that of terrorism. These beliefs have led to the expansion of fusion center mission responsibilities beyond terrorist activities. One LEO who conducted a DHS funded study on the fusion process found that fusion centers that solely focus on terrorism may risk the deterioration of their investigative and analytical skill-sets due to the lack of terrorist-related events, tips, and/or leads.²³⁷ A fusion center director provided testimony before the U.S. Senate Homeland Security and Governmental Affairs Committee in 2011 and cited hundreds of violent criminal events that occurred each year in his jurisdiction implying that violent criminal activities are as significant to his community as any other threat.²³⁸

The Congressional Research Service (CRS) also referenced the prevailing thoughts about mission expansion to all-crimes (or all-hazards).²³⁹ It found that centers created shortly after the 9/11 attacks tended to initially focus on counterterrorism efforts while those that developed later on tended to focus on all-crimes or all-hazards. The authors of the CRS report also explained that this expansion was motivated by the need for increased partner buy-in and a greater need to obtain grant resources.²⁴⁰ The ACLU has echoed similar thoughts and offered its view that competition for grants may have contributed to the migration to an all-hazards focus.²⁴¹ This expansion of mission has

237. Price, *National Security and Local Police*, 20.

238. U.S. Senate, *Federal Support for and Involvement*, 95.

239. Rollins, *Fusion Centers*, 21.

240. *Ibid.*, 21–22.

241. German and Stanley, *What's Wrong*, 6.

been seen as “mission creep” from the American Civil Liberties Union’s (ACLU) perspective.²⁴²

A representative from the Washington (DC) Regional Threat and Analysis Center (WRTAC), which was executing an all-crimes focus at the time of an interview, mentioned his view of the mission expansion.²⁴³ He explained that they had a criminal focus and felt that as long as terrorism was a crime, they were on par with their mission orientation.²⁴⁴

In essence, the perceptions that the Network has an array of differing missions and is operating along various paths are valid. These facts appear to be subject of exaggeration and often are taken out of context. In many areas, a sole terrorism focus would diminish a fusion center’s capability to gain partnerships from external agencies whose focus is on items that impact public safety rather than solely on terrorism. In other areas, inclusion of natural hazards ensures collaboration from non-LE organizations and is in-line with that region’s top tier threats. Review of the Network component’s mission statements also reveal that the core functions highlighted in the baseline capabilities documents are embedded in the fabric of each of the fusion centers. Ultimately, every fusion center in the Network appears to strive to be able to gather, receive, analyze, share, and disseminate information and intelligence in the same manner as it would if it was terrorist-specific information.

242. Ibid.

243. U.S. Senate, *Federal Support for and Involvement*, 95.

244. Ibid.

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VII. PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES

A. ELEMENTS

Personal privacy, the rights offered to every citizen, and individual civil liberties are part of the fabric of the nation. Each of these items is ingrained into the core beliefs, values, and rights that represent part of the promise that the United States of America offers its citizens. This chapter will examine some of the issues surrounding privacy, civil rights and civil liberties (P/CRCL) that often counterbalance the argument for increased law enforcement and intelligence activities in the defense of the homeland. Most people agree that providing a safe and secure environment for its citizenry is the government's responsibility. On the other hand, events and circumstances that have led to times of increased security have challenged the nation's moniker of *'the land of the free.'*

While the U.S. Constitution does not specifically offer the citizenry the right to privacy, the Bill of Rights is generally believed to offer protections for certain aspects of privacy, specifically the first, third, fourth, fifth, and ninth amendments. Civil rights are generally derived from the fourteenth amendment. Civil liberties are generally believed to be generated from both the Constitution and Bill of Rights.²⁴⁵

There have been many events in the nation's past that have led to increased LE and intelligence operations that have come under scrutiny and were subsequently determined to have violated P/CRCL principles. The CIA's HT-Lingual program, which covertly monitored mail communications (many consisting of those of U.S. citizens), was found to be an illegal process violating citizen rights.²⁴⁶ The FBI's Counterintelligence Program more commonly known as "COINTELPRO," which was an initiative that targeted U.S. citizens who were deemed subversive, was later discontinued for similar reasons.²⁴⁷ The National Security Agency's (NSA) operation dubbed "Minaret," which

245. U.S. Const. amend. I, III, IV, V, IX, XIV.

246. "SR Pointer, HT Lingual," Global Security, accessed April 26, 2014, <http://www.globalsecurity.org/intell/ops/htlingual.htm>.

247. "FBI Records: The Vault, COINTELPRO," Federal Bureau of Investigation, accessed April 26, 2014, <http://vault.fbi.gov/cointel-pro>.

intercepted communications from many U.S. citizens including elected U.S. leaders, was found to be an illegal practice that led to the creation of the Foreign Intelligence Surveillance Act in 1978.²⁴⁸

The above examples of IC and LE operations, which were later deemed to be inappropriate, illegal, and/or a violation of P/CRCL principles, are not simply relics of a by-gone era. Security and P/CRCL have always been and will forever be a part of the nation's homeland security discourse. The most recent events that highlight these issues involve the NSA's operations involving the collection of American citizen's communications by the IC.²⁴⁹ Especially in the United States, when the discussion of security takes place, P/CRCL will certainly be in the conversation.

B. CRITICISMS

P/CRCL concerns commonly rank at or near the top of every LE community or IC activity. The Network is keenly aware of these fears due to varying government and non-government communications voicing these anxieties. The day-to-day business of the Network is rooted in the handling of sensitive, as well as routine, LE and intelligence information. Those fusion centers with a tactical arm are also involved with investigations and activities that require details to be held out of the general public's reach for operational security purposes. These purposeful public restrictions (of information) attribute to perceptions that violations of P/CRCL may be occurring.

A fusion center's ability to collect a vast amount of information from disparate databases due to its ability to leverage various information holdings from partners (who represent a variety of disciplines) is often perceived as a potential risk to P/CRCL. The Constitution Project shared its concerns in a 2012 report that the Network raises the risk of U.S. citizens being subject to unwarranted scrutiny and suggested that some fusion

248. Matthew M. Aid and William Burr, "Secret Cold War Documents Reveal NSA Spied on Senators," *Foreign Policy*, September 25, 2013, http://www.foreignpolicy.com/articles/2013/09/25/it_happened_here_NSA_spied_on_senators_1970s.

249. James Glanz, Jeff Larson, and Andrew W. Lehren, "Spy Agencies Tap Data Streaming From Phone Apps," *The New York Times*, January 27, 2014, http://www.nytimes.com/2014/01/28/world/spy-agencies-scour-phone-apps-for-personal-data.html?_r=0.

centers have collected information on constitutionally protected activities.²⁵⁰ They also expressed fears that new initiatives dealing with the collection and processing of SAR could contribute to retention of information on citizens without passing the reasonable suspicion threshold.²⁵¹ The Brennan Center for Justice claimed that many police departments do not have a consistent set of guidelines for the requirements of the use of reasonable suspicion.²⁵²

A widely criticized February 2009 bulletin produced by the North Central Texas Fusion Center (NCTFC), which described Muslim lobbying groups as potential facilitators of creating environments suitable for terrorist operations, has been often cited as an example as the Network's lack of concern for P/CRCL issues.²⁵³ The McKinney, Texas-based NCTFC's bulletin identified specific Islamic associations and advocacy groups and requested that LEOs encountering any of the identified organizations report activities to the NCTFC. The report also referenced and asked for reporting on activities of anti-war protest organizations.²⁵⁴ This product was viewed negatively and fostered the perception that the Network "endorse(s) discrimination against Muslims" as well as anti-war activists.²⁵⁵

The Missouri Information Analysis Center (MIAC) produced a report, which discussed the Modern Militia Movement, that was distributed to its LE partners in same month and year.²⁵⁶ This document was subsequently leaked to the media and revealed what some assessed as reporting which violated P/CRCL standards. MIAC's document

250. Constitution Project, *Recommendations for Fusion Centers*, 9.

251. *Ibid.*

252. Price, *National Security and Local Police*, 14.

253. Matthew Harwood, "Fusion Centers under Fire in Texas and New Mexico," Security Management, September 3, 2009, <http://www.securitymanagement.com/news/fusion-centers-under-fire-texas-and-new-mexico-005314>.

254. *Ibid.*

255. "Fusion Center Encourages Improper Investigations of Lobbying Groups and Anti-War Activists," American Civil Liberties Union, February 25, 2009, <https://www.aclu.org/technology-and-liberty/fusion-center-encourages-improper-investigations-lobbying-groups-and-anti-war>.

256. Kurt Nimmo, "Secret State Police Report: Ron Paul, Bob Barr, Chuck Baldwin, Libertarians are Terrorists," Infowars, March 11, 2009, <http://www.infowars.com/secret-state-police-report-ron-paul-bob-barr-chuck-baldwin-libertarians-are-terrorists/>.

discussed the background and common divisions of the militia movement. It also described ideology of the movement's subsets and organizational intent to include the officer safety implications associated with some of the groups that may engage in extremist activities against the government. In one portion of the MIAC report, the document mentioned political leaders who were commonly held in favor of these organizations that drew a majority of the public outrage. The perception from some external parties was that the MIAC was suggesting that supporters of these political leaders were by association, supporters of anti-government extremism.²⁵⁷

Another leaked report, this time an assessment produced by the Virginia Fusion Center (VFC), was heavily criticized for over exaggerating the terrorism threat to Virginia and categorizing different groups and organizations erroneously as potential threats.²⁵⁸ VFC's suggestion that university student groups were considered radicalization nodes for extremist groups drew concerns that P/CRCL violations would cause a chilling effect on those participating in like organizations. Other negative perceptions were drawn from the VFC's documentation of suspicious activities concerning subject photography of critical infrastructure and monuments, as well as descriptions of protest events that appeared to have had elements of hate speech included in the events.²⁵⁹

In April 2009, when discussing intelligence reporting received by fusion centers, a DHS I&A official claimed, "(SLTT) are collecting open-source intelligence on U.S. persons, without proper vetting, and improperly reporting this information through homeland information reporting (HIR) channels."²⁶⁰ Similarly, the ACLU filed a July 2014 lawsuit on behalf of five individuals against the federal government concerning the

257. Ibid.

258. Kent Willis, *ACLU of Virginia's Analysis of the Virginia Fusion Center's 2009 Virginia Terrorism Threat Assessment Report* (Richmond, VA: American Civil Liberties Union of Virginia, 2009), <http://www.acluva.org/publications/VAFusionCenterSummary2009.pdf>.

259. Ibid.

260. U.S. Senate, *Federal Support for and Involvement*, 36.

collection of SAR data that was submitted as part of the NSI program.²⁶¹ The complaint alleges that the five plaintiffs were each involved in five separate lawful activities, but information was collected about them and submitted into federal government counterterrorism databases. The complaint further assesses that the Network (and other organizations) are routinely involved in the collection of information concerning constitutionally protected activities.²⁶² During an interview with the U.S. Senate Permanent Subcommittee on Investigations, a DHS I&A official explained that she felt that the inappropriate information was most likely due to lack of training and less due to disregard for individual privacy.²⁶³ In 2011, a DHS Office of Civil Rights and Civil Liberties representative discussed concerns about SLTT information contained in HIR. She felt that DHS I&A's HIRs were often addressing constitutionally protected activities that lacks any direct ties to violent or criminal behavior or addresses groups when single individuals in those groups maybe the only ones involved in nefarious activities.²⁶⁴

In 2011, the ACLU filed a legal complaint against the DOJ, FBI, and NSA concerning the collection of SAR for inclusion into the FBI's eGuardian system.²⁶⁵ The eGuardian system is a secured information repository where SAR information can be inputted by federal and SLTT partners where it is processed and disseminated to relevant parties.²⁶⁶ The ACLU argued that the FBI's description of SAR was so broad that it couple be interpreted by collectors (many SLTT) as normal or protected behavior.²⁶⁷ It alleged that SAR programs, such as this, could lead to invasions of privacy and/or discriminatory surveillance. Also noted in the complaint was that a similar Department of

261. Wiley Gill, James Prigoff, Tariq Razak, Khaled Ibrahim, and Aaron Conklin v Department of Justice, and Program Manager Information Sharing Environment, Complaint for Injunctive Relief (United States District Court for the Northern District of California San Francisco-Oakland Division, 2014).

262. Ibid.

263. U.S. Senate, *Federal Support for and Involvement*, 36.

264. Ibid.

265. American Civil Liberties Union v Federal Bureau of Investigation, Department of Justice, and National Security Agency, Complaint for Injunctive Relief (United States District Court for the Southern District of New York, 2011).

266. "Stats & Services: eGuardian," Federal Bureau of Investigation, accessed May 5, 2014, <http://www.fbi.gov/stats-services/eguardian>.

267. American Civil Liberties Union v Federal Bureau of Investigation.

Defense (DOD) program, which predated eGuardian, violated P/CRCL protections. DOD's TALON system which operated from 2002 to 2007 supported the collection of SAR data which was deemed relevant to DOD force protection.²⁶⁸ The TALON program was eventually closed down after concerns were raised that information retained in the system was deemed to have violated P/CRCL protections.²⁶⁹

During its 2013 report concerning LEA intelligence activities (to include fusion centers), the Brennan center expressed concerns of abuses of P/CRCL.²⁷⁰ The report stressed the need for rigorous oversight to ensure protections are intact. They also described the decentralized nature of policing in the U.S. (including the Network) has led to different operating philosophies and strategies lacking hard unifying rules of conduct. The report also stressed the concern of the loosening of reasonable suspicion guidelines for LE and the Network, which could lead to future P/CRCL violations.²⁷¹

In Monahan and Regan's study on fusion centers and the fusion process, they expressed P/CRCL concerns by simply conducted the analytical process.²⁷² They explain that intelligence analysis in a fusion center is the process of making judgments on activities where there has been no evidence of wrongdoing in order to project future threats. Furthermore they claimed that analysis invites P/CRCL violations such as religious and racial profiling.²⁷³

Taylor and Russell point out that the Network's operations could conflict with the nation's democratic ideals.²⁷⁴ They cite areas of concern, specifically the high rate of fusion center management turnover and lack of general oversight, that could contribute to uneven performance across the Network. They also express that there appears to be limited guidance provided to fusion center staff on what is to be collected as well as how

268. Sara Wood, "Defense Department to Close Talon System," American Forces Press Service, August 21, 2007, <http://www.defense.gov/news/newsarticle.aspx?id=47127>.

269. American Civil Liberties Union v Federal Bureau of Investigation, 6.

270. Price, *National Security and Local Police*, 11.

271. Ibid.

272. Monahan and Regan, "Zones of Opacity," 303-304.

273. Ibid.

274. Taylor and Russell, "Failure of Police Fusion Centers," 189.

and why subjects become targets of interest in investigations.²⁷⁵ Perceptions that the Network ignores the “innocent until proven guilty” standard are cause of great concern.

Multi-agency integration and collaboration is another area that has raised many P/CRCL flags in some circles. Ironically, this factor is often used by proponents of the Network when attempting to demonstrate the strengths and uniqueness of fusion centers. Part of the value proposition of the Network has been its ability to integrate different agencies and disciplines into operations. This element often highlights the principles that, combining different areas of expertise, creates a space that improves the ability of the Network to share information and provide better quality analysis. The premise is that the different partners provide connectivity and context that a single agency would not be able to do on its own.

While “two heads are better than one” appears to be a commonsense factor, perceptions exist that the integration of different agencies and disciplines may pave the way for P/CRCL violations. German and Stanley comment that the Network is part of the post 9/11 “surveillance-industrial complex” and state claims that this integration is unlawful.²⁷⁶ They argue that private sector participation in fusion center operations is a risky proposition. They state that unlike the public sector, the private sector is primarily motivated by profit generation, which could cause a private sector company to exploit fusion center information to gain a business advantage over competitors. Information received by a private partner could be used for retaliatory measures against competitors. On the other side of the coin, law enforcement may be able to ascertain information from the business community on employees without having to go through normal legal processes. These partnerships could foster familiar relationships that provide the Network the opportunity to mask its activities or take advantage of the private sector as proxies to conduct operations which the government is not authorized to do.²⁷⁷

275. Ibid.

276. German and Stanley, *What's Wrong*, 11.

277. Ibid., 13–14.

In the same vein as the concern with private sector participation in the Network is military participation.²⁷⁸ Issues have surfaced which claim that the LE community has undergone a militarization process, which risks confusing practitioners between what has traditionally been security and intelligence operations focused on external threats versus normal LE and policing activities directed at internal (to the U.S.) actors. Increased partnerships between the military and the Network (as well as LE in general) provides the potential for LE to have access to military technology not originally intended for domestic use.²⁷⁹ The Posse Comitatus Act is often used as a reference point when the discussion of military and Network integration comes up.²⁸⁰ The prohibition against military participation in LE activities makes this partnership a grey area. The ACLU cites an example of the MCAC and the U.S. Army's collaboration where an active duty service member works inside the fusion center, but staff members appeared to be unaware of authorizations for this partnership.²⁸¹ In addition, the ACLU expresses concerns that the military and Network partnership has never been properly debated but was implemented without consideration of the lawfulness of the partnership.²⁸²

C. ANALYSIS

Perceptions that the Network is complicit in blatant violations to P/CRCL principles are one of the few items that could trigger a complete defunding or significant alteration to the Network's operations. Concerns related to this topic must be viewed by the Network practitioners as one of the top priorities. Reports of P/CRCL violations need to be promptly addressed. Standing operating procedures need to be backed by sound policy and practice in order for the Network to ensure they are in compliance with these principles. Review of guidelines and reports of fusion center progress in this category

278. Taylor and Russell, "Failure of Police Fusion Centers," 185.

279. *Ibid.*

280. The Use of Army and Air Force as Posse Comitatus 18 U.S.C. § 1385 commonly referred to as Posse Comitatus Act limits the use of the military to enforce state law.

281. German and Stanley, *What's Wrong*, 14.

282. *Ibid.*, 14–15.

appear that the Network has moved to address these concerns, but more work is required to demonstrate this increased focus and progress.

In April 2010, Global, DHS, and DOJ produced a guideline document intended on assisting fusion centers in developing P/CRCL policies across the Network.²⁸³ This document acted as a template that could be used by fusion centers to create an individual policy in compliance with P/CRCL regulations. While there is no blanket policy that covers the entire Network, this document is significant because it essentially spurred the development of individual fusion center policies and unified these policies by ensuring there were consistent procedures and protections put in place.

After generation of a policy, each fusion center was required to have the policy be subject to a review process by DHS to ensure the policies were in compliance through a verification process.²⁸⁴ Those fusion centers that were not able to obtain approval from DHS were to be deemed ineligible for utilization of Homeland Security Grant Program. This grant program is one of the revenue streams used by a majority of the centers to fund operations.²⁸⁵

Additionally, DHS instituted a December 31, 2010 deadline for all primary and recognized fusion centers (in operation at that time) to achieve an enhanced capability in P/CRCL protections as part of the nationwide 2010 Baseline Capabilities Assessment of Fusion Centers.²⁸⁶ This assessment aimed at evaluating the Network's level of achievement in the COCs as well as the ECs (refer to Figure 4 and Figure 5 for descriptions), which included P/CRCL protections. Teams of representatives from the Office of the Program Manager for the Information Sharing Environment, DHS, FBI, as well as selected fusion center directors executed the on-site portion of the assessment.²⁸⁷

283. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Privacy, Civil Rights, and Civil Liberties Policy Template*.

284. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security, and the Bureau of Justice Assistance, *Compliance Verification for the Intelligence Enterprise*.

285. U.S. Department of Homeland Security, "National Network of Fusion Centers Guidance and Requirements," accessed May 18, 2014, <http://www.dhs.gov/homeland-security-grant-program-hsgp>

286. Homeland Security, "2010 Baseline Capabilities Gap Mitigation Strategy."

287. Ibid.

This effort was the first attempt at evaluating the Network's status of P/CRCL protections. P/CRCL evaluation was weaved into the fabric of each of the 2011, 2012, and 2013 Final Reports as well.²⁸⁸

The increased focus on P/CRCL protections has resulted in a significant improvement in the implementation of policies across the Network. The North Carolina Information Sharing and Analysis Center (ISAAC) based in Raleigh, North Carolina established its policy, which highlights many areas of its operations.²⁸⁹ The ISAAC policy establishes the privacy officer position and explains the organization's responsibilities to review for and respond to P/CRCL violations and complaints. The ISAAC also details its efforts to minimize the dissemination of personal identifiable information to stakeholders.²⁹⁰

The Oklahoma Information Fusion Center (OIFC) Privacy Policy is another example of the increased attention on P/CRCL protections.²⁹¹ In the policy, the OIFC defines the organization's responsibilities as well as the fusion center's operating authorities. The OIFC policy highlights redress procedures should P/CRCL complaints arise.²⁹²

The Alabama Fusion Center (AFC) Privacy Policy also communicates its focus on P/CRCL protections.²⁹³ The AFC highlights its processes for the sharing and disclosure of information as well as the requirements for the merging of its records. The AFC requires all personnel with access to the center's information technology services to comply with the policy.²⁹⁴

288. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*, 22; U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 23; U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 34.

289. North Carolina Information Sharing and Analysis Center, *Privacy Protection Policy* (Raleigh, NC: Information Sharing and Analysis Center, 2013).

290. Ibid.

291. Oklahoma Information Fusion Center, *Privacy Policy* (Oklahoma City, OK: Oklahoma Information Fusion Center, 2009).

292. Ibid.

293. Alabama Fusion Center, *Privacy Policy* (Montgomery, AL: Alabama Fusion Center, 2012).

294. Ibid.

The *2011 Final Report* found that 100 percent of the 72 fusion centers assessed had achieved an approved privacy policy that met the ISE Privacy Guidelines.²⁹⁵ Findings also revealed that 71 of the fusion centers were implementing the policy. In addition 44 percent of the fusion centers had not undergone a privacy compliance review and only 32 percent had developed an outreach plan to communicate the policy with external stakeholders.²⁹⁶ The 2013 surveys revealed increases in this area to 92 percent of the Network had conducted the compliance reviews.²⁹⁷ The *2012 Final Report* found increases in the P/CRCL protections commitment of the Network. Findings indicated that there was a 14 point increase totaling 92 percent of the centers were providing P/CRCL training to staff members.²⁹⁸ Results also found that 96 percent of the Network had implemented a P/CRCL review process for fusion center products prior to dissemination.²⁹⁹ As of the 2013 assessment, all but one fusion center conducted P/CRCL training for staff.³⁰⁰

The Network has significantly increased its focus on P/CRLC protections, but items concerning the staffing of privacy officer positions seem to be one area needing improvement. While all but one fusion center was found to have a designated privacy officer, 48 percent of fusion centers experienced a turnover in this position in the twelve months preceding the *2012 Final Report* and 27 percent projected a changeover in the position in the following 12 months.³⁰¹ The projects approved accurate as actual turnover of staff in this position was 24 percent in 2013.³⁰² In addition, 87 percent of the privacy officers were also reported to have other responsibilities not tied to P/CRCL issues that accounted for a majority of their work time.³⁰³

295. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*, 22.

296. Ibid.

297. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 34.

298. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 23–24.

299. Ibid.

300. U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*, 35.

301. Ibid.

302. Ibid.

303. U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*, 23.

In order for the Network to combat perceptions that P/CRCL is not a priority, fusion centers will need to modify their staffing requirements for their privacy officers. Instituting time in position requirements and limiting non-P/CRCL responsibilities of the privacy officer would aid in developing a cadre of experienced officers. Implementing the above would help in elevating these officers to be viewed as key positions in the fusion center and help professionalize the discipline.

The Network's lack of focus on conducting outreach to external partners also feeds the perception that fusion centers have not attempted to address some of the P/CRCL indiscretions, such as the ones mentioned previously in this chapter. Implementation of a vigorous strategic communication plan focusing on the improvements in this area, as well as highlighting the protections now in place, would better educate the masses about the focus changes of the Network's P/CRCL protections.

Other items that contribute to negative perceptions on this topic which may be difficult to overcome concern the nature of the Network's work. Day-to-day fusion centers work with information and intelligence that is deemed sensitive. Investigations that the Network is involved in have operational security requirements to ensure the safety of personnel involved in the investigations. Those that are subject to investigations of criminal activity cannot be privy to the investigation itself for fear that the activity being investigated is not further concealed, thereby complicating intelligence and law enforcement efforts. Information provided and operations conducted by many of the partner federal agencies have classification restrictions. All of these factors amount to a culture of secrecy which is rooted in legal and statutory regulations. These requirements present a significant challenge for the Network in the area of P/CRCL.

Striking a balance between transparency and security will be required to stave off false perceptions of intentional wrong-doing by the Network. Sound and visible oversight, compliance with regulations, and direct engagement with P/CRCL advocates will need to be a continued priority for fusion centers.

VIII. RECOMMENDATIONS

The Network has undergone unprecedented growth and change since its inception in the early 2000s. As with any program or initiative, continued refinement of operations and innovation is required to keep pace with the changing landscape and in the case of the Network, evolving adversary threat. Fusion centers have experienced both success and failure during their development and maturity phase. This chapter provides a summary of recommendations for consideration by the Network and its allied partners, such as DHS and DOJ, in order to enhance its ability to educate decision makers and external partners on its operations and capabilities. These recommendations also aim to identify areas of program improvement which will help the Network better determine its strategic direction.

Reporting, reviews, assessments, and commentary on the Network indicate that many of the supporters of the Network have direct ties to fusion centers. Examples of such would be in the case of the 2011, 2012, 2013 final reports on the fusion centers, which were largely produced by DHS.³⁰⁴ DHS has a vested interest in the success of the Network as one of the main federal agencies responsible for information sharing between SLTT partners, and it could be subject to biases in its reporting. These reports do tend to be based on more defined metrics and identify areas of improvement based on empirical data. Many parties that appear to heavily criticize fusion centers appear also appear to have motivations tied to political leanings or special interest agendas. An obvious example of this would be the ACLU report titled *What's Wrong with Fusion Centers*.³⁰⁵ Reporting such as this provides relevant content and voices valid concerns, yet does not provide a balanced view that contributes to its findings. Overall, there appears to be declining support for the Network. (Table 5 provides an overview of perceptions of the Network.)

304. U.S. Department of Homeland Security, *2011 National Network of Fusion Centers*; U.S. Department of Homeland Security, *2012 National Network of Fusion Centers*; U.S. Department of Homeland Security, *2013 National Network of Fusion Centers*.

305. German and Stanley, *What's Wrong*.

Network Perception Summary			
Elements	Description	Criticisms	Analysis
Administration	The Network governance, oversight, authorities, discipline culture, and overall management factors.	The Network consists of inconsistent and decentralized management structure and lacks external oversight	Jurisdictional boundaries and lines of authority prevent a single centralized command. A majority of components have a separate oversight mechanism/committee
Analysis (Information)	One of the Network's primary business functions is to conduct thoughtful and meaningful intelligence analysis that supports stakeholder requirements.	The Network generates analytical products which are of inconsistent quality and sometimes employ poor analytical standards. Many products are too general and of low value to the consumer.	Analytical capacity is increasing. Strategic intelligence is often not useful to tactically driven consumers. Unrealistic consumer expectations stem from lack of understanding of the intent of products.
Information Sharing	The Network's ability to inform and connect partner agencies with information to guide operations and decision making.	The Network often shares information that is redundant and not timely. At times information overwhelms the system and sometimes compartmentalizes information.	Dissemination policies are now in place to formalize the sharing process. Areas that need improvement concern customer receipt verification, evaluation of feedback, and consistent timely vetting of data.
Mission	Organizational focus of fusion centers, prioritization of competing requirements, as well as the organization's self-view of its responsibilities	The Network lacks a strategic view and has migrated from a terrorism focus to all-hazards focus which dilutes counterterrorism efforts.	An all-hazards approach encompasses terrorism and increases support from external agencies enhancing the Network's overall capabilities.

Privacy, Civil Rights, and Civil Liberties	The Network's transparency and ability to execute protections for citizen privacy, civil rights, and civil liberties	The Network lacks transparency, is a risk to individual P/CRCL, and operates on broad definitions of SAR and reasonable suspicion.	The entire Network recently attained integrated P/CRCL policies across the nation, but has struggled with turnover and completion of updated compliance reviews.
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Table 5. Network Perception Summary

A. MARKETING STRATEGY

One of the first priorities of the Network, which will be required to in order to increase the chances of the organization's survival, will be to demonstrate its value, communicate its objectives, and to better explain what makes the organization successful. This can most effectively be done by organizing and executing a coordinated marketing campaign to communicate the Network's efforts. While many variables are contributing to diminished support, the current lack of a strategic marketing plan that brands the Network is significantly negatively impacting perceptions of the organization. The Network may be suffering from erroneous ideas about its intentions and as Hackett claims "wrong opinion can trigger an investigation."³⁰⁶ The Network can apply lessons learned in industry concerning marketing and public relations in order to overcome some of the negative perceptions that may have been rooted in lack of understanding of fusion centers.

Marchand describes unintended organizational benefits of public relations that were realized by AT&T, Metropolitan Life Insurance Company, and General Electric which helped further their business models.³⁰⁷ Fatayerji explains that product marketing

306. Amanda Hackett, "Fusion Centers: Spying on Citizens without Cause, Warrants, or Even Suspicion," Rights Working Group, March 2012, <http://www.rightsworkinggroup.org/content/fusion-centers-spying-citizens-without-cause-warrants-or-even-suspicion>.

307. Roland Marchand, *Creating the Corporate Soul: The Rise of Public Relations and Corporate Imagery in American Big Business* (Berkeley, CA: University of California Press, 1998), 10.

helps get products (or ideas) to the customer and helps convince them to buy.³⁰⁸ The Network is selling its ability to enhance public safety to the general population and is offering capabilities that act as force multipliers to those organizations participating in the security of the homeland. Better advertising the Network's successes and activities would increase awareness. Getting customers to "buy" its products in this case would mean that constituents understand the Network's mission, be able to differentiate fusion centers from other counterterrorism efforts, as well as have awareness on successful fusion center activities. Some marketing challenges for the Network that needs to be considered involves information and operational security as fusion centers routinely deal with sensitive intelligence.³⁰⁹ Strategic communications that also address the intelligence cycle and investigative process, which explains how and why some areas of the Network are restricted, may alleviate some of the concerns that stem from nondisclosure of information.

The National Fusion Center Association (NFCA) would be integral in coordinating this campaign.³¹⁰ The NFCA states some of its main purposes as providing an independent voice for the Network, representing fusion centers by educating the federal government on activities, and advocating for commitment of resources for the Network.³¹¹ The NFCA as the lead entity would need to collaborate with DHS as well as the U.S. Department of Justice's Bureau of Justice Assistance, which has assisted the fusion centers and DHS in the development of guidelines and technical assistance programs for the Network.³¹² In addition to collaboration with federal partners, the NFCA should mobilize the cadre of the Governors Homeland Security Advisors Council

308. Naji Fatayerji, *Electronic Marketing: Advantages and Disadvantages* (Boca Raton, FL: Dissertation.com, 2004), 9.

309. Joseph Straw, "Fusion Centers Forge Ahead," Security Management, accessed August 10, 2013, <http://www.securitymanagement.com/article/fusion-centers-forge-ahead-006223?page=0%2C1>.

310. National Fusion Center Association, "The Mission," accessed August 11, 2013, <https://nfcausa.org/default.aspx/MenuItemID/131/MenuGroup/>.

311. Ibid.

312. Global Justice Information Sharing Initiative, the U.S. Department of Homeland Security and the Bureau of Justice Assistance, *DHS/DOJ Fusion Process Technical Assistance Program and Services* (Washington, DC: U.S. Department of Justice, 2012), https://www.ncirc.gov/documents/Fusion_Process_Catalog_of_Services.pdf.

to help articulate how the Network has improved security efforts at individual state level.³¹³ A combined campaign utilizing the organizations mentioned above would aid in the delivery of fusion center messaging at various levels of government.

B. NATIONAL STRATEGY FOR THE NETWORK OF FUSION CENTERS

As discussed in earlier chapters, the Network has suffered some negative perceptions concerning its operations, organization, and mission. From an external (to the Network) perspective, it appears that this organization is very loosely affiliated and is aimlessly wandering. The Network may seem that it is attempting to determine its mission space and decide how it best fits into the *National Security Strategy*.³¹⁴ At macro-level, one might assess the Network as dozens of fusion centers that operate differently and happen to coordinate with each other at times. In some aspects, this is what the Network has been experiencing, if just not to the exaggerated degree that is often perceived.

From the perspective mentioned above, a likely assessment may be that uniformity in structure and operations should be the desired end state. Moving the Network to a more centralized structure, which would mostly likely consist of a leading federal agency, would make it far easier to assess fusion centers capabilities. This model would address much of the angst surrounding differing mission statements, oversight issues, as well as many others criticisms. One obstacle to this approach is that each of the fusion centers are independently owned by a SLTT organization operating under its own authorities.

Another item to consider is that a decentralized structure prevents single points of failure and fosters an environment of innovation. While the fusion centers have evolved in some ways independently of each other, they are bound together by their shared overarching goal to help in protecting the homeland. Some fusion centers have specialized in different areas due to local and/or regional needs. Certain parts of the

313. "Governors Homeland Security Advisors Council," National Governors Association Center for Best Practices, accessed August 11, 2013, <http://www.nga.org/cms/home/nga-center-for-best-practices/center-issues/page-hsps-issues/page-governors-homeland-security.html>.

314. Office of the President of the United States, *National Security Strategy*.

Network have excelled in accomplishing specific tasks, while other parts have created opportunities to reinforce success with respect to analysis, operations, and investigation.

The development of a National national strategy for the National Network of Fusion Centers (STRATNET) would increase the functionality and help the Network better integrate. STRATNET would provide a balance between the advantages of a total decentralized and “top-down” organizational structure as a byproduct. The creation of a policy, such as STRATNET, is required to obtain better alignment of the Network’s operations. The House also recognized this deficiency in its 2013 report on fusion centers.³¹⁵ This report identified that the development of an item such as STRATNET is necessary for future operations of the Network. To go a step further, they also suggested that the federal government should develop a fusion center strategy which would guide federal agency interaction and support to the Network.³¹⁶

STRATNET should be created in a collaborative environment to ensure it meets the needs and intent of all parties that have equities in the Network, the information sharing, and the domestic intelligence domains. Representatives from DHS, DOJ, NFCA, FBI, the Bureau of Justice Assistance, the Offices of the Director of National Intelligence, the Governors Homeland Security Advisors Council, fusion centers, as well as the White House, are likely co-authors for STRATNET. A coordinated policy generated from those listed above would help ensure buy-in at all levels of government and offer the best chance for a well-rounded strategy. At a minimum, STRATNET would have elements which address the following;

- Current goals
- Projected future goals
- Objectives
- Priorities
- Mission
- Performance measures
- Funding

315. U.S. House of Representatives, *Majority Staff Report on Fusion Centers*, 19–20.

316. *Ibid.*

- Fusion center requirements
 - Administrative
 - Analysis / assessment
 - Training
 - Certification
- Domestic intelligence / Information Sharing Environment
- P/CRCL guidelines
- Baseline capabilities
- Marketing
- Fusion center uniqueness
- Organizational structure

STRATNET is an essential next step for the Network and should be given the highest priority. Many fusion center's efforts up to this point have been attempts at achieving relatively more tactical requirements. Examples of this are obtainment of individual baseline capabilities, development of a required policy such as P/CRCL, or the creation of an analytical product which is multi-sealed. The Network needs to channel its focus on STRATNET. Fusion centers need to help define what makes a fusion center, what direction the Network should go, how certain capabilities are obtained, and what defines success for the Network or fusion center. The Network will struggle and decision makers will continue to be confounded until the creation of an item, such as STRATNET, helps to tell the story of fusion centers.

C. STRATEGIC AND TACTICAL INTELLIGENCE FOCUSES

As described in further detail in Chapter IV, there are varying opinions on the Network's ability to conduct quality analysis and produce intelligence products that are deemed of high value. Some of the factors that have complicated this area of responsibility are consistent certification training for analysts, a Network customer base, which is largely focused on tactical operations, and policymaker awareness on the potential value of strategic intelligence.

1. Analyst Training

In many areas of the Network, analysts enter the analytical field lacking any structured background in the discipline. Often, new analysts enter the fusion center as a new employee, some may be transferred from a traditional LE oriented position, and some could have experienced their position being evolved from a data analysis or data processing to an analyst. Training programs vary at each fusion center, and there are many training programs available to analysts; however, there is no formal consensus across the Network that identifies an accreditation process or programs that represent the “approved” analyst certification course.

In order to professionalize analytical cadre, the Network will be required to institute a formal path for the training and development of intelligence analysts. The Network will have to build a consensus across the organization and may consider utilizing DOJ and DHS resources and expertise to unify this effort. The DHS Federal Law Enforcement Training Centers (FLETC) has the institutional knowledge, resources, and expertise that could aid the Network in this effort. The FLETC Training Research Office specializes in evaluating, researching, and developing programs of various topics.³¹⁷ The Network and FLETC would be able to engage state training certification entities, DHS I&A, and other relevant intelligence community partners in order to develop the standards and curriculum for an accredited analyst training program or determine if programs currently in use can be accredited and offered in a more inclusive manner.

2. Tactical Focus

Because the majority of the day-to-day customers of the Network’s products have a tactical focus, fusion centers need to continue to enhance their capability to produce items that look through the tactical intelligence lens. Topics on items that involve officer safety concerns, situational awareness, and raw tactical intelligence will positively influence the perceptions of the Network’s value. Dahl explains that tactical intelligence

317. “The Training Research Office,” Federal Law Enforcement Training Centers, accessed May 28, 2014, <http://www.fletc.gov/training/training-research-office/the-training-research-branch-trb/>.

is more specified or focused on an information need and is most often consumed by junior-level officials participating in operational planning.³¹⁸

If individual fusion centers maintain a focus on support to operations, another positive by-product would be an increase in information received by stakeholders. Supporting operations will ensure these recipients are thereby feeding the center back the results of operations and investigations in the form of raw information. This information acts as the raw materials to conduct analysis. The influx of this information will also aid the Network in determining the information requirements and operational priorities of the field elements.

A generic example of this process might be initiated by an officer who contacts a fusion center for a name check on a subject of interest. The fusion center receives the request and is also providing the context or justification for the screening of the subject. The results are provided back to the officer, and the officer subsequently provides the result of the encounter or investigation to the fusion center. The fusion center may now be in the position to redact the information and forward out an awareness product to other stakeholders informing them generically of the incident requesting any information of like encounters. Other stakeholders review the information and some respond with additional information on similar events in their jurisdictions. At this point, the fusion center is in possession of reporting that is greater than the sum of its parts and may be able to make an assessment on the activity. Maintaining a tactical focus will ensure that line officers, detectives, as well as lower to mid-level public safety partners find value in the Network and will continue to promote the services offered by fusion centers.

3. Strategic Focus

Strategic intelligence is often viewed as the gold standard for analysis. This category is less focused, broader, and often covers a longer time horizon. Dahl claims that strategic intelligence is often valued most by senior decision and policymakers.³¹⁹

318. Eric Dahl, *Intelligence and Surprise Attack: Failure and Success from Pearl Harbor to 9/11 and Beyond* (Washington, DC: Georgetown University Press, 2013), 22.

319. *Ibid.*

Unlike the fusion center partners mentioned above, this category of fusion center stakeholders plan and focus on longer range goals and objectives. The Network will be required to make a concerted effort to put a premium on the production of strategic intelligence in order to demonstrate its value to executive leaders.

Some individual fusion centers may be required to divide their analytical structures into current and strategic intelligence divisions or tactical and strategic partitions. In many cases, a fusion center analyst may be required to focus both on tactical and strategic analysis. Most of that analyst's time is spent mired on the former focus of responding to immediate incidents and requests. This setting complicates the ability of the individual to be able to obtain sound strategic expertise on the topic of interest where that analyst may be required to provide a long-range assessment on that topic. This is not an argument to completely segregate tactical analysts from strategic analysts, since cross pollination of skills, ideas, and information from each specialty is a requirement of success. The intent is to highlight that strategic expertise often requires longer, in-depth research that is hindered if it is regularly interrupted by tactical requirements.

It is not just that the Network needs to further develop its ability to conduct strategic intelligence production, but it will also need to educate its would-be consumers of the potential value of and how to use strategic intelligence. If the Network was able to prep the field by explaining the intelligence cycle process to external leaders, this would increase the receptivity of decision makers with regard to receiving products from the Network. This process would most likely also establish a dialogue between leaders and fusion centers, which would help articulate the information requirements from these individuals as well.

IX. CONCLUSIONS

A. CHALLENGES AND FUTURE AREAS OF CONTENTION

In the near to mid-term, the Network will continue to face challenges concerning the opinions of its utility and performance. Even with the implementation of a marketing campaign, creation of a national strategy, and honing of its tactical through strategic analytical capabilities, perceptions of the Network will take some time to change. Some areas of concern can be improved but will not be able to be completely overcome due to the nature of the Network's discipline.

One example of this is in the P/CRCL category. The Network can and should strive to be as transparent as possible and execute in accordance with the prescribed privacy protections policies. Privacy officers to the greatest extent possible should be free from adjacent responsibilities and be free to communicate with leadership on items that impact this area. All products need to be thoroughly reviewed by the fusion center privacy officer for any items that could violate P/CRCL protection principles. Training should regularly be provided to staff on this topic to ensure the entire Network cadre is aware of the concerns and potential pitfalls. The need for certain areas of secrecy and information sensitivity means the Network will never be able to achieve a level of transparency with P/CRCL protection advocates and the public that is needed to alleviate all of the concerns in this category. Regular communication and strict adherence to P/CRCL standards to ensure no future violations occur is the Network's best strategy in "managing" perceptions here.

Another challenge that the Network will continue to face, due to many variables such as the declining budget and competition from other organizations, is to demonstrate its uniqueness from other initiatives. The FBI's Joint Terrorism Task Forces (JTTF), located in 103 cities across the nation, are heavily involved with the investigation of terrorism investigations.³²⁰ These organizations have a distinct mission from the fusion

320. "Protecting America from Terrorist Attack: Our Joint Terrorism Task Forces," Federal Bureau of Investigation, accessed June 1, 2014, http://www.fbi.gov/about-us/investigate/terrorism/terrorism_jttfs.

centers but have areas that sometimes overlap. There has often been confusion between the Network's and JTTF's counterterrorism responsibilities, which possibly stems from an inability by third parties to discern the distinction of these roles and the multi-agency composition of each entity. The Network has also been viewed as a redundant capability to the JTTF and funding has been brought into question due to this. The Network's best strategy to engage this potential problem is to ensure elements of the marketing campaign communicate the distinct capabilities and successes of fusion centers. The Network needs to be aware of these areas of current and future contention and take aggressive action to mitigate the concerns.

B. POTENTIAL AREAS OF FURTHER INQUIRY AND NEED FOR FUTURE RESEARCH

This thesis attempts to examine areas concerning the functions and operations of the Network which have caused varied perceptions from observers. As the nation moves farther way from 9/11 and experiences new priorities that focuses on items that do not concern terrorism, the Network will need continue to mature and broaden its priorities on topics that continue to be of significance to the nation. It will need to continue this process of maturation while still holding true to its roots in the counterterrorism role. Future research concerning what threat vectors are relevant for fusion center focus may aid the Network in identifying strategic priorities.

Further inquiry on marketing and branding for the Network would support this area that currently lacks significant data. There currently is a massive amount of research on product marketing and organizational branding for private sector services and business, but exploration into specific guidance for how the Network can implement a campaign would be significantly beneficial to future implementation.

Lastly, additional inquiry and exploration into how the Network is actually performing would be valuable to fusion centers and decision makers alike. Research that seeks to determine and better define what the Network is rated on, resulting in concrete performance measures, would contribute to the national assessments of the Network.

Better metrics would result in making these assessments more meaningful to participants and those executives responsible for the operation and the funding of fusion centers.

C. CONCLUDING REMARKS

The National Network of Fusion Centers is an organization on the move; the expansion to the current 78 fusion centers has caused significant growing pains and unprecedented successes. In the relatively short period of time since its inception, the Network has demonstrated significant innovation and willingness to progress and adhere to prescribed recommendations. The Network will need to rely on its creativity and flexibility to continue to mature and achieve greater levels of success. In order for fusion centers to achieve their unrealized potential, the Network and its partners will also need to implement mitigation strategies in order to address areas of concern.

Previous terrorist attacks against the homeland provided the emphasis required to demonstrate the need to collaborate with others.³²¹ Another item that contributed to the development of the Network were the unified efforts by partner organizations to define structure, roles, shared mission space, as well as guiding principles.³²² Lastly, the Network's continued success has relied on the development and use of trusted partnerships which act as the mortar to the bricks of the Network.³²³ These elements that shaped the Network will continue to be relevant in the future. Fusion centers should continue to foster these relationships and pursue efforts of expansion to better connect the Network to stakeholders.

Establishment of a marketing campaign and coordinating strategic communications which cite factors that have contributed to the creation and maturation of the Network would address some of these criticisms. Marketing would also brand the Network and educate the public on how the Network supports the defense of the homeland. Branding of the Network in a manner that demonstrates the organization's

321. Perrow, "The Disaster after 9/11."

322. Global Justice Information Sharing Initiative, U.S. Department of Homeland Security, and Department of Justice, *Fusion Center Guidelines*.

323. Soucek, "Public-Private Collaboration."

uniqueness and contributions to the defense of the homeland would diminish questions of the entity's usefulness to the *National Security Strategy*.³²⁴

While the Network has advanced in a positive direction since its inception, parts of the organization are viewed as performing in an unequal manner. Concrete centralized uniformity is not ideal for this entity, but a more federated method or blue print for future operations would help the Network gain favorable results. The formulation of a National Strategy for Fusion Centers would provide a road map for the Network and establish a clear direction to better move each fusion center in a central direction without the centers sacrificing their unique strengths or abandoning their localized priorities.

Further enhancement of the Network's analytic capabilities would help validate fusion center's ability to produce and provide relevant information to the right customer at the right time. The diverse levels of analyst experience across the Network have led to an assortment of products of varying value. This has contributed to the perceptions that the Network is nonessential to the homeland security mission. Establishment of a training certification program coupled with stakeholder education and outreach will help with the generation of quality products which are consumed in the manner in which they are intended. Additionally, the Network will need to continue to raise its capabilities regarding tactical intelligence support and move to make a concerted effort to institute analytical policies and practices focusing on strategic intelligence support in order to exhibit value to senior decision makers.

324. Office of the President of the United States, *National Security Strategy*.

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